

CASE NO. 08cv 31 31

ATTACHMENT NO. 3

EXHIBIT B part 4

TAB (DESCRIPTION) \_\_\_\_\_

1           A.    Yes.

2           Q.    All right.  Now, after Sergeant Collins  
3   and Officer Kimble punched you when you were in  
4   this room that you were taken into at the Metra  
5   police offices, did either of them hit, slap or  
6   punch you again?

7           A.    Yes.

8           Q.    All right.  When's the next time that  
9   either of them hit, slapped or punched you?

10          A.    After they put me in the cell are you  
11   asking?

12          Q.    I'm asking after this occasion where  
13   Sergeant Collins says, so you like hitting up on  
14   black people, and he punches you above the right  
15   brow.  Then Officer Kimble punches you on the left  
16   cheek bone and left brow.  When's the next time  
17   either of them hit, punched or slapped you?

18          A.    They didn't hit me after -- you're going  
19   to get into this.  Officer Collins threw me down.  
20   That's the next time it happened.

21          Q.    So the next time that either  
22   Sergeant Collins or Officer Kimble hit, punch or  
23   slap you is after you're already in the holding  
24   cell?

1           A.    Yes.

2           Q.    So then let's back up a moment.

3                    You're in this room that's not the holding

4 cell. Sergeant Collins just hit you.

5 Officer Kimble just hit you. Do either of them

6 stay anything else at that point in terms of you

7 like hitting black people?

8           A.    I don't recall.

9           Q.    All right. Was it after Officer Kimble  
10 struck you that you were then taken to the holding

11 cell?

12          A.    Yes.

13          Q.    All right. There was a bench inside the  
14 holding cell; is that accurate?

15          A.    Yes.

16          Q.    And this was a metal bench?

17          A.    Yes.

18          Q.    All right. Can you tell me were the edges  
19 of this metal bench were they square, sharp,

20 rounded?

21          A.    Rounded.

22          Q.    Okay. Were they rounded smooth?

23          A.    I don't recall.

24          Q.    Were there any jagged edges on the edge of  
212

1 the bench?

2 A. I don't recall.

3 Q. Inside this holding cell there's also a  
4 big window?

5 A. Yes.

6 Q. All right. There's a toilet?

7 A. Yes.

8 Q. There's a sink?

9 A. Yes.

10 Q. Was there anything else inside the room  
11 when you were taken in there besides the bench, the  
12 toilet, the stink?

13 A. I believe there was toilet paper, like  
14 boxes of toilet paper, cardboard boxes.

15 Q. Was there a filing cabinet in there?

16 A. I don't recall. There was a fire  
17 extinguisher, I remember that.

18 Q. Were there any boxes or little bottles of  
19 water in there at the time?

20 A. I don't recall.

21 Q. Okay. Looking at Paragraph 19 on Page 4,  
22 it says, Matthew was handcuffed to wall restraints  
23 in a small, concrete room for several hours. At  
24 one point Matthew heard the voice of the Chicago

1 police officers outside his detention room and  
2 kicked the door to alert them to his presence.

3 Now, let me ask, the small concrete room,  
4 that's this holding cell with this toilet and the  
5 sink and the window?

6 A. Yes.

7 Q. All right. There's also a door to that  
8 room?

9 A. Yes.

10 Q. Okay. Was there a window on that door?

11 A. Yes.

12 Q. Was that covered or was it open so you  
13 could actually see out the window?

14 A. It was open.

15 Q. Could you see out the window of the cell?

16 A. Yes.

17 Q. All right. The bigger window that takes  
18 up almost one whole wall in the holding cell?

19 A. Yes.

20 Q. Could you see out of that window?

21 A. Yes. The light wasn't on, so you could  
22 barely see in there.

23 Q. Were you able to see people moving in the  
24 office outside of the holding cell?

1           A.    Through the door, yes, but not -- I didn't  
2    see anyone moving in the other room.

3           Q.    Were you able to hear voices of people in  
4    the office while you were in the holding cell?

5           A.    Yes.

6           Q.    Is that how you knew the Chicago police  
7    officers arrived?

8           A.    Yes.

9           Q.    All right. First, it says you were  
10   handcuffed to wall restraints. What wall were  
11   these restraints on?

12          A.    Okay. My hands remained cuffed. On the  
13   bench underneath there's a bar. My ankle was  
14   cuffed. I was never cuffed to the wall, but I was  
15   cuffed to the bench on my one ankle.

16          Q.    Okay. So you were taken to the holding  
17   cell. The handcuffs were actually kept on you?

18          A.    Yes.

19          Q.    And then there were handcuffs or some sort  
20   of cuffs on this bar underneath the bench; is that  
21   accurate?

22          A.    Yes.

23          Q.    And then one of your ankles was actually  
24   cuffed to --

1 A. Yes.

2 Q. -- the bar under the bench?

3 A. Yes, my left ankle.

4 Q. Your left ankle, all right.

5 Do you have any idea about how long you  
6 were in the holding cell before the Chicago police  
7 arrived?

8 A. I believe 11:30, I would say, 11:30,  
9 midnight. So I was in there almost an hour.

10 Q. All right. You were in the holding cell  
11 approximately an hour before you realized the  
12 Chicago police had arrived?

13 A. Yes.

14 Q. Now, when you were put in that holding  
15 cell, do you know where Deborah Coleman was?

16 A. I heard her behind -- you have the cell  
17 and that little door you can look through the  
18 window, she was in there.

19 Q. Okay. You were actually able to hear  
20 Deborah Coleman's voice while you were in the cell?

21 A. You couldn't make it out clearly, but yes.

22 Q. You could hear her talking. You just  
23 couldn't identify what she was saying?

24 A. Yes, and I could look through there, and I

216

1 saw it was her.

2 Q. Okay. Who was she talking to when you  
3 looked through the window and saw she was in the  
4 offices?

5 A. One of the police officers. I couldn't  
6 see them from the angle I was in.

7 Q. Okay. Are you aware that Miss Coleman  
8 signed a complaint against you?

9 A. Yes. I was charged.

10 Q. Okay. When did you first become aware  
11 that Miss Coleman had actually signed a complaint  
12 against you?

13 A. When I got out of jail.

14 Q. When you say when you got out of jail,  
15 when you were actually released on I-bond from the  
16 Chicago police?

17 A. Yes.

18 Q. Okay. Now, excuse me, going back to  
19 paragraph 19, you were in the holding cell for  
20 approximately an hour when you heard the voices of  
21 Chicago police officers; is that accurate?

22 A. Yes.

23 Q. Do you know who called the Chicago police?

24 A. No.



1 Q. Do you have any idea why they came down  
2 there?

3 A. To take -- to transport -- to transport me  
4 to their -- to the First District. That's what I  
5 believed.

6 Q. That's what --

7 A. Because they talked to the Metra police.  
8 They asked them if they were going to take me now.  
9 They said, no, they were going to do the paperwork  
10 and the Metra was going to take me. And then  
11 Chicago police went on their way.

12 Q. While you were in the holding cell you  
13 actually heard the conversation between the Chicago  
14 police and the Metra police?

15 A. Yes. They were loud.

16 Q. And during that conversation the Chicago  
17 police were asking whether they were going to take  
18 you into custody now; and the Metra police said,  
19 no, let's fill out the paperwork first, and then we  
20 will transfer him to Chicago?

21 A. Yes, yes.

22 Q. Now, looking at Paragraph 20, it says, the  
23 door was opened by Collins. Matthew stated, "I  
24 want to talk to the real police." Collins stated,

218

1 "I am the real police" and grabbed Matthew roughly  
2 and threw him to the concrete floor injuring  
3 Matthew and causing Matthew's pants to be ripped  
4 apart.

5 Did I read that accurately?

6 A. Yes.

7 Q. Now, the paragraph before that indicated  
8 that you kicked the door to alert the Chicago  
9 police to your presence?

10 A. Yes.

11 Q. Were you screaming also?

12 A. No.

13 Q. All right. Did the Chicago police say  
14 anything to you?

15 A. No.

16 Q. Do you know -- you learned from the  
17 conversation that the -- between the Chicago police  
18 and the Metra police that the Chicago police knew  
19 you were there?

20 A. Yes.

21 Q. Okay. Do you know why -- strike that.

22 Did you shout or call out anything about,  
23 I've been hit by these police officers?

24 A. No, because they were also laughing with

1     them.  So all I wanted to do was talk to the  
2     police.  I figured you're not going to -- you can't  
3     get through to people if you're yelling and  
4     shouting.  You at least have to have a conversation  
5     and talk to them calmly.  I kicked on the door, and  
6     I wanted to talk to them calmly about I was  
7     wrongfully arrested and tell them my story.

8             And that's when Officer Collins opened the  
9     door and was like, what.  And then I said I wanted  
10    to talk to the real police.

11            Q.  Did the Chicago police leave before  
12    Sergeant Collins opened the door?

13            A.  No.  They were still there.

14            Q.  All right.  So the Chicago police  
15    officers, how many were there?

16            A.  Two.

17            Q.  What did they look like?

18            A.  One Latino and one white.

19            Q.  Had you ever seen either of these officers  
20    before?

21            A.  No, ma'am.

22            Q.  All right.  Were you able to hear either  
23    of these officers identify themselves by either  
24    star number or name or anything like that?

1           A.    No, ma'am.

2           Q.    All right.  So the Chicago police officers  
3   are down there.  You're kicking on the door, and  
4   Sergeant Collins opens the door to the holding  
5   cell?

6           A.    Yes.

7           Q.    Sergeant Collins then asks, what?

8           A.    Yes.

9           Q.    And you then indicate that you wanted to  
10   talk to the real police?

11          A.    Yes.

12          Q.    You didn't think Sergeant Collins was real  
13   police?

14          A.    No.

15          Q.    Why?

16          A.    Because from what I told you before, I  
17   always believed that Metra police was there for  
18   security and train -- like stuff that happens on  
19   the train.  I didn't believe they were anything to  
20   do with the streets of Chicago, so I didn't believe  
21   they were real police.

22          Q.    Okay.  Did you believe they were the real  
23   police after Sergeant Collins said, I am the real  
24   police?

1           A.    No, I still didn't believe it.

2           Q.    Did the Chicago police officer say  
3 anything about how Sergeant Collins was the real  
4 police?

5           A.    They didn't say anything.

6           Q.    But they were standing by when you asked  
7 to speak to the real police?

8           A.    Yes.

9           Q.    All right. And they were standing by when  
10 Sergeant Collins said he was the real police?

11          A.    Yes.

12          Q.    And were those same Chicago police  
13 officers standing by when Sergeant Collins grabbed  
14 you roughly and threw you to the concrete floor in  
15 the holding cell?

16          A.    Yes. If they would have -- most likely  
17 they saw; but if they were standing over -- they  
18 were -- the door was open. They had to see it.

19          Q.    You didn't scream or call out or anything  
20 when Sergeant Collins threw you to the ground?

21          A.    No.

22          Q.    Were your hands still handcuffed at the  
23 time?

24          A.    Yes.

1 Q. Your left ankle was still cuffed to the  
2 bench?

3 A. Yes. How it is, you can move. The bar  
4 moves, so I could move all the way to that side of  
5 the table to the bench, you know. So I moved, and  
6 then the door was here. And I got up, and I kicked  
7 the door. I was standing; and my ankle was still  
8 cuffed and my hands were cuffed. He opened the  
9 door.

10 I said I wanted to talk to the real  
11 police. He said, I am the real police; and he  
12 threw me down. And because I was facing this way,  
13 he threw me back this way. My hands were cuffed,  
14 and I fell back. There was a toilet back there. I  
15 didn't hit the toilet. My khaki pants ripped from  
16 my groin down to my ankle, and I have those pants,  
17 because I was cuffed and I fell back. So there was  
18 like -- I was stuck and just my whole pants ripped.

19 MR. FITZSIMMONS: Let the record reflect that  
20 Miss Mayhew and Miss Rosen have already examined,  
21 physically examined those pants in our office.

22 BY MS. MAYHEW:

23 Q. We took some pictures of those photos, and  
24 we can get into that a bit later.

1           But right now I want to know as far as you  
2 know these Chicago police officers were in a  
3 position where they could have seen  
4 Sergeant Collins throw you to the ground in the  
5 holding cell?

6           A.    Yes.

7           Q.    And you said they were laughing at some  
8 point, the Chicago police officers?

9           A.    When I was in the cell, yes, they were  
10 joking around. I don't know what they were joking  
11 around about, but yes.

12          Q.    Okay. You didn't hear specifically what  
13 they were saying to cause them to be joking around?

14          A.    No.

15          Q.    Okay. And after Sergeant Collins threw  
16 you to the ground, the Chicago police still said  
17 nothing?

18          A.    Yes.

19          Q.    All right. And you indicated  
20 Sergeant Collins grabbed you roughly.

21               Where did he grab you, what part of the  
22 body?

23          A.    Up here, and he gave me one of those  
24 shoves, pushed me down.

1 Q. You said up here indicating --

2 A. By my neck area and threw me down.

3 Q. Let me finish.

4 A. Sorry.

5 Q. Okay. You said up here. You were  
6 indicating that Sergeant Collins grabbed you by  
7 your neck area. Would that be the V from your  
8 jersey, the area where he grabbed you?

9 A. Yes.

10 Q. And did he grab you by the clothes?

11 A. Yes, but it was real quick.

12 Q. So he grabbed -- Sergeant Collins grabbed  
13 you quickly by the V-neck area of your jersey and  
14 threw you down such that you fell backwards?

15 A. Yes.

16 Q. Okay. And when you fell backwards, you  
17 said you did not hit the toilet?

18 A. No, I did not hit the toilet.

19 Q. When you fell backwards, you said your  
20 pants ripped; is that accurate?

21 A. Yes.

22 Q. If you're falling back -- your pants  
23 actually ripped on the front, true?

24 A. Yes.



1           Q.    So what did your pants hit that caused  
2   them to rip when you were falling backwards?

3           A.    I believe that because I was cuffed the  
4   force of the pulling back and all the falling back  
5   caused it to rip. There was nothing on the ground  
6   that could have ripped my pants from how they were  
7   ripped that long.

8           Q.    You think the cuffs might have initially  
9   caused the rip?

10          A.    No, the cuffs -- it's because I was cuffed  
11   and I was pushed back causing pressure and me  
12   falling back; and then the cuffs trying to pull  
13   back and me falling back caused my pants to rip.

14          Q.    Let me ask you this.

15                As you were falling as far as you knew,  
16   your pants did not actually catch on anything sharp  
17   inside the cell?

18          A.    No.

19          Q.    You were falling backwards. Your hands  
20   were still cuffed, and they were cuffed behind you  
21   are back, true?

22          A.    Yes.

23          Q.    And only one ankle was actually cuffed as  
24   you were falling backwards from being pushed,

1 right?

2 A. Yes.

3 Q. And you indicated that the pants ripped  
4 from the groin up kind of actually more like by the  
5 button down to the ankle?

6 A. Yeah. No, not the button. From my  
7 scrotum down to my ankle, almost all the way down  
8 they ripped.

9 Q. All right. Now, did they rip from top to  
10 bottom or bottom to top? Do you know what I mean?

11 A. I don't know how they ripped. It was just  
12 ripped. I don't know how it happened. When I got  
13 up my whole pants were -- I don't know which way  
14 they ripped. They were ripped.

15 Q. So you don't know whether they ripped  
16 starting at the ankle and ripped upwards versus  
17 starting up by the scrotum and ripped down?

18 MR. FITZSIMMONS: Objection, asked and  
19 answered.

20 BY MS. MAYHEW:

21 Q. You can answer.

22 MR. FITZSIMMONS: No, he just said, I don't  
23 know how it happened. He just specifically told  
24 you that. And I'm noting that the time is now

227

1 almost 5:00. You continue to ask questions  
2 multiple times of this man. The end of the  
3 business day is 5:00, and there's nothing in the  
4 rules that requires us to stay here after 5:00.

5 MS. MAYHEW: For the record, we actually  
6 started the deposition at ten until noon. And we  
7 had approximately 40 minutes break for lunch.

8 BY MS. MAYHEW:

9 Q. Are you going to answer the question?

10 A. I already answered it.

11 Q. Your answer is you don't know?

12 A. I don't know how they ripped. They  
13 ripped, though, from me being pushed back.

14 Q. They ripped at the same time you were  
15 pushed back?

16 A. Yes.

17 Q. Okay. Now, I've seen the pants, and we  
18 took photographs of the pants. These are just  
19 color prints of the photographs that we took, so  
20 I'm just going to use a couple of these and mark  
21 those.

22 (Whereupon, Granberg Deposition  
23 Exhibit Nos. 3 and 4 were marked  
24 for identification.)

1 BY MS. MAYHEW:

2 Q. Those are photographs that were taken of  
3 your pants when Miss Rosen and I went to your  
4 attorney's office to view the pants.

5 Do those photographs fairly and accurately  
6 represent your pants as they were after they were  
7 ripped on the day of this accident?

8 A. Yes.

9 Q. Okay. I want you to take a look at the  
10 picture that shows the longer view of the pants.  
11 In that picture you can see the rip originating up  
12 maybe about 2 inches below the belt line. Do you  
13 see that?

14 A. Yes.

15 Q. All right. And then that rip continues  
16 down the page towards the bottom of the pants?

17 A. Yes.

18 Q. You see the rip actually ends about  
19 halfway down the pants. Can you see the end?

20 A. Yes.

21 Q. All right. So based on that photograph  
22 the rip actually went down closer to your knee  
23 rather than your ankle. Is that a fair statement?

24 A. Yes, but the picture is kind of like

1 blurry, but yes.

2 Q. Okay. Now, these pants, did you wash them  
3 at all prior to giving them to your attorney?

4 A. No.

5 Q. All right. So you handed them to your  
6 attorney as they were the day you took them off  
7 after getting released from everything?

8 A. Yes, yes.

9 Q. Okay. If you look at the photographs, you  
10 can also see the rip kind of not only goes down  
11 what would be the right leg, but there's also a bit  
12 of a hole kind of by the scrotum area on the left  
13 pant line. Do you see that?

14 A. Yeah.

15 Q. All right. So did it actually rip out the  
16 groin area both on the right side and the left  
17 side?

18 A. Yeah.

19 Q. And your underwear was exposed?

20 A. Yes.

21 Q. All right. Okay. Paragraph 21 says,  
22 during his ordeal Matthew asked for medical  
23 treatment, and all the defendants refused to assist  
24 him with the injuries they caused.

1           Now, Officer Geanes had actually come  
2 downstairs by this time; is that true?

3           A.    Yes.

4           Q.    Did Officer Geanes ever strike, hit or  
5 punch you?

6           A.    No.

7           Q.    All right. Did you have any conversation  
8 with Officer Geanes prior to asking for medical  
9 treatment?

10          A.    Yes.

11          Q.    Okay. What did you say to Officer Geanes  
12 prior to asking for medical treatment or what did  
13 he say to you?

14          A.    I asked him how long it was going to be  
15 until I could leave.

16          Q.    Okay. And approximately how long had you  
17 been in the cell when you asked that?

18          A.    Two and a half hours maybe.

19          Q.    Okay. Did Officer Geanes arrive before or  
20 after the Chicago police left?

21          A.    I don't know where he was. I don't -- I  
22 don't recall.

23          Q.    How long after you ripped your pants did  
24 the Chicago police leave?

1           A.    20 minutes.

2           Q.    Okay. Did they have any other  
3   conversations that you were able to hear with the  
4   Metra police?

5           A.    No.

6           Q.    Do you know why they stuck around so long?

7           A.    No.

8           Q.    Did they --

9           A.    They kept talking and then they left.  
10   That was it. I never seen them until I went to the  
11   First District, and it was different police  
12   officers by that time. I never saw them again.

13          Q.    And you never had any conversation at any  
14   time with the Chicago police officers that arrived  
15   at the Metra police offices?

16          A.    Correct.

17          Q.    All right. At what -- it says you asked  
18   for medical treatment. This was after your pants  
19   ripped apart?

20          A.    Yes.

21          Q.    And you said you had been in the cell for  
22   about two hours?

23          A.    Yes.

24          Q.    Okay. What did you feel needed medical

1 attention? Where were you hurting?

2 A. My whole side.

3 Q. You indicated when you fell backwards when  
4 you were shoved, I'm sorry, when you were shoved  
5 down and falling backwards, that you did not hit  
6 the toilet. Did you hit anything other than the  
7 concrete ground?

8 A. No.

9 Q. Okay. Did you have any cuts on your wrist  
10 by this point?

11 A. I could not see them.

12 Q. Did all three defendants say -- strike  
13 that.

14 Did you ask Officer Kimble for medical  
15 treatment?

16 A. I didn't see him until later on in the  
17 night.

18 Q. Okay. So when this says, during his  
19 ordeal Matthew asked for medical treatment, and all  
20 the defendants refused to assist him with the  
21 injuries they caused, first of all, how many times  
22 throughout the evening did you ask for medical  
23 treatment?

24 A. At least four times. I also asked to go



1 to the washroom.

2 Q. Which came first? Did you at any time ask  
3 for medical treatment before asking to use the  
4 washroom?

5 A. I asked to go to the washroom first.

6 Q. Okay. So you asked to actually use the  
7 restroom, washroom prior to asking for any medical  
8 treatment?

9 A. Correct.

10 Q. All right. Did you ask to use the  
11 washroom before or after the Chicago police  
12 officers left?

13 A. No. I didn't think I was going to be  
14 there that long.

15 Q. Okay. So you asked to use the washroom  
16 sometime after the Chicago police officers left?

17 A. Yes, because some time went on.

18 Q. Was Miss Coleman still in the Metra police  
19 offices when the Chicago police officers left?

20 A. I don't recall.

21 Q. Was Miss Coleman in the Metra police  
22 offices when the Chicago police officers arrived?

23 A. I don't recall.

24 Q. Do you know how Miss Coleman left the

1 Metra police offices?

2 A. I believe a paramedic showed up and was  
3 giving her aid.

4 Q. Did the paramedic actually come down into  
5 the Metra police offices?

6 A. Yes.

7 Q. When you -- you were able to see the  
8 paramedic arrive?

9 A. I couldn't see him, but I saw  
10 Miss Coleman. And I don't know what they were  
11 doing to her, but it looked like they were helping  
12 her out.

13 Q. Okay. And at some point when you became  
14 aware that this paramedic was down there, did you  
15 do anything to alert the paramedic to your  
16 presence?

17 A. I didn't know if it was a paramedic or  
18 not. I believe it was a paramedic because  
19 that's -- from what my understanding is police  
20 officers do not do medical attention to someone  
21 like if Miss Coleman was hurt.

22 Q. Do you know if she was hurt?

23 A. No.

24 Q. Let me reask that.

1           No, you don't know if she was hurt, or no,  
2 she wasn't hurt?

3           A.    I do not know if she was hurt.

4           Q.    All right. You asked to use the washroom.  
5 Is that when according to Paragraph 23,  
6 Officer Geanes responded by stating, "you ain't --  
7 strike that.

8           Paragraph 22, you ask to use the toilet  
9 facility; and the defendants responded by stating,  
10 "you ain't using shit."

11           Was it all three police officers who said  
12 that exact quote?

13           A.    No.

14           Q.    Who said it?

15           A.    Kimble and then later Geanes later on.

16           Q.    So you initially asked to use the toilet.  
17 Officer Kimble said, you ain't using shit; and then  
18 did you just continue to sit in the cell for a  
19 little while?

20           A.    Yes.

21           Q.    All right.

22           MR. FITZSIMMONS: Ms. Mayhew, if you could find  
23 a spot to take a recess for the rest of the day in  
24 the next couple of minutes or if this is good

1     because we are going to leave, and we need to  
2     resume it at a later date.

3           MS. ROSEN: Is this a logical place?

4           MS. MAYHEW: Sure.

5           MS. ROSEN: All right so it's 5:00.

6           MR. FITZSIMMONS: It is 5:00.

7           MS. ROSEN: Okay. We have to find another time  
8     to come in, and by that time hopefully you will  
9     provide the information on the --

10          MR. FITZSIMMONS: Here is what I have right  
11     now.

12          MS. ROSEN: Why don't we put this on the  
13     record?

14          MR. FITZSIMMONS: Here's what I owe you. I owe  
15     you a full disclosure with respect to Dr. Krupica.

16          MS. ROSEN: Okay.

17          MR. FITZSIMMONS: See if we can find the cell  
18     phone number that he had in August of 2007. And  
19     I'm going to provide you with contact information  
20     as to the two women, the two young women, right?

21          MS. ROSEN: Yeah.

22          MR. FITZSIMMONS: Can you think of anything  
23     else?

24          MS. ROSEN: We're going to be able to get you

1    those release -- whatever release the doctor says  
2    is appropriate so that we can get these  
3    psychological counseling records.

4            MR. FITZSIMMONS: Did you write down her phone  
5    number?

6            MS. MAYHEW: I believe I did, yes,  
7    (847) 542-1265.

8            MR. FITZSIMMONS: Why don't you contact her  
9    office right away and find out what she wants; and  
10   if there's anything special that we have to  
11   prepare, in the meantime I'll also contact her.

12            We're going to meet on Friday. And my  
13   suggestion is seeing as how this has gone, if we're  
14   going to start at 10:00 we only have time for one  
15   of the officers. So I would be asking for  
16   Officer Kimble first. So there's no need to bring  
17   somebody else down, have him sitting there for a  
18   better part of the day and only getting an hour or  
19   so in.

20            MS. MAYHEW: I was going to ask since we're on  
21   the subject of this treatment which you just  
22   learned about, previously it had been indicated  
23   that it was just the emergency room treatment in  
24   terms of the other injuries, is that still accurate

238

1 or was there then additional follow-up for those?

2 MR. FITZSIMMONS: There's no additional  
3 medical -- I'll have to talk to him. But from  
4 what I know, and I haven't seen anything different,  
5 there's no additional medical treatment, no. You  
6 get the name of the medical treaters. The only one  
7 that I was not aware of was Dr. Krupica.

8 MS. MAYHEW: We actually didn't get the signed  
9 HIPAA's back.

10 MR. FITZSIMMONS: Oh, I have them.

11 MS. MAYHEW: Great. All we were able to get  
12 was the ER previously.

13 MR. FITZSIMMONS: My apologies.

14 MS. ROSEN: As you're looking for that, do you  
15 have dates now that we can reconvene for the  
16 follow-up for this deposition?

17 MR. FITZSIMMONS: Yeah. That's why I brought  
18 my calendar.

19 MS. MAYHEW: Let me grab mine. I'll be right  
20 back.

21 (Whereupon, the deposition was  
22 continued to July 7, 2009, at  
23 the hour of 9:00 a.m.)  
24

1     STATE OF ILLINOIS     )  
2                                     )   SS:  
3     COUNTY OF C O O K     )

4  
5                     RAELENE STAMM being first duly sworn, on  
6     oath says that she is a court reporter doing  
7     business in the City of Chicago; and that she  
8     reported in shorthand the proceedings of said  
9     hearing, and that the foregoing is a true and  
10    correct transcript of her shorthand notes so taken  
11    as aforesaid, and contains the proceedings given at  
12    said hearing.



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*Raeleene Stamm*  
\_\_\_\_\_  
Certified Shorthand Reporter





<b>A</b>	23:20 24:12	38:19,24	apart	225:7,8,13	13:18 60:7
able	age	39:4,6,13,15	219:4 232:19	230:12,16	88:18 97:6
40:11 47:6	63:14 86:14	40:11 42:17	apartment/b...	Arizona	97:13 118:14
99:11 100:20	93:13 121:7	42:19 43:4	115:2	37:9 39:9,14	124:14 126:4
113:24	aggressive	43:21 44:4	apologies	39:18	126:10,21
143:14 151:5	129:8	44:13,17,19	11:24 41:12	arm	127:1,11
152:8 169:14	ago	44:22 46:1,7	239:13	186:8,9,12,12	134:10
170:12	17:10 39:1	46:11,15,18	APPEARANCES	186:14,22,24	211:11,12
183:17,20	93:8 123:7	46:21 47:9	2:1	187:4,10,17	218:17 231:8
193:17 202:6	agree	47:14,23	appeared	187:21 201:5	231:12 234:3
202:11	9:14 122:18	48:2,23	34:15 47:10	201:7	234:7 238:15
214:23 215:3	agreement	49:19 50:20	183:2	armed	asks
216:19	10:15	51:14,18	appreciate	140:20 149:21	23:12 221:7
220:22 232:3	ahead	52:9,15	9:17	arms	assaulted
235:7 237:24	9:2 11:13 22:2	53:17 54:9	approach	207:8	155:15
239:11	22:8,21	54:22 56:6	195:19	arrange	assigned
accident	30:13 36:16	56:11,17	approached	32:16,22 33:6	83:9
229:7	69:17 110:14	57:2 59:2,4	62:21 65:21	arranged	assist
accompanied	128:15	59:8,10,13	67:13 163:21	32:12 33:1	7:10,16 230:23
121:7 139:15	128:17	59:20 60:1	195:9 198:10	arrest	233:20
accompanying	202:19	61:4,10,14	198:13	116:7,12,15	assistive
143:24	206:23 207:1	62:3,8,19	approaches	arrested	130:11
accosted	aid	64:20,23	195:24	220:7	associate's
121:4 130:19	153:19 235:3	72:7,13,18	approaching	arrestee	19:21
130:20,23	ain't	73:3,20 74:1	191:10 195:2	192:17	assume
accurate	236:6,10,17	74:5,8,22	appropriate	arrive	14:1 115:16
20:22 21:24	air	75:9 76:11	238:2	147:9 231:19	151:8
23:10 56:14	187:1,2	76:15 90:19	approximate	235:8	assumed
63:7 65:16	Airport	91:1	79:6	arrived	115:15 140:10
76:9 153:10	20:2,10	amount	approximately	25:5 43:20	140:13 144:4
165:10	al	104:10 123:9	17:11 19:5	44:16 46:21	196:19
167:14 168:3	4:22	132:6 166:14	26:4 32:1	48:16 52:3,5	assumes
182:2 200:17	alcohol	190:20	37:19 40:13	52:10,17	69:13
212:14	86:15 155:1	angle	43:20,21	54:9 60:16	assurances
215:21	alcoholic	217:6	44:24 45:23	68:9 76:18	8:2 9:1
217:21	46:6 54:3 84:6	ankle	47:21 57:9	77:20 80:24	assured
225:20	86:10	215:13,15	57:12,17,22	81:9,11 82:5	143:13
238:24	alert	216:3,4	58:10,13	82:9,13	ate
accurately	214:2 219:8	223:1,7,16	60:21 82:10	147:15	58:5 89:22
190:8 219:5	235:15	226:23 227:5	62:17 63:20	148:19 153:8	attack
229:5	ALFRED	227:7,16	75:1,7 76:5	169:5 196:5	139:10 141:11
accuser	1:9	229:23	91:6 101:19	215:7 216:7	142:23
7:16	allegation	ankles	122:1,14,19	216:12	149:21
acquaintance	6:8	215:23	126:23	232:14	154:21 165:1
26:19,23,24	allegations	Ann	131:13	234:22	165:3 181:24
Act	7:11,12	2:11 4:4,19	159:24 202:9	Art	182:6,8,12
11:15	allow	6:23	207:19,23	78:2,8	182:21,23
activity	167:4	answer	216:11	arts	183:1 197:12
8:5	allowed	11:3,7 13:6,18	217:20 228:7	156:13	197:20,21
actual	91:18 181:20	13:24 30:14	231:16	aside	attacked
129:3	192:21	36:7 42:21	April	7:18	145:1 158:3
Adams	allows	69:17,19	34:16,17,22	asked	166:22 175:3
78:10,12 80:14	132:12	118:17	35:1	22:20 41:24	175:5 183:4
101:22	altercation	128:17	area	57:13 65:24	194:3,10,11
additional	61:7 63:6,15	131:21,23,24	32:6 39:4	67:20 70:20	194:15
10:18 68:9,12	63:19,22	142:16 143:1	48:21 49:4,7	70:23 71:6	197:11,21,21
239:1,2,5	64:15 65:4,7	170:3 175:11	49:11 51:7	71:10 73:16	198:5,14
Additionally	65:12 67:4	175:12,13,14	55:5 56:13	91:2 92:2	attacker
13:9	68:6 69:10	183:8,9	56:19 72:9	96:21 97:16	149:22 153:24
address	70:11,18	193:1 196:12	73:20 74:1	98:20 110:9	attackers
8:20 15:5,8	71:21 73:4	198:15	77:4,8,12,15	110:11	149:21
35:20 41:20	73:10 74:2	227:21 228:9	77:20,24	111:17 117:1	attacking
84:21 85:8	75:21 76:3	228:11	78:4 79:7,13	121:15,21	157:4 174:24
85:10 93:2	76:14 79:19	answered	80:10 93:22	122:22 123:2	175:9
96:8 102:15	80:21 83:13	11:5 22:13	94:10 101:2	123:6,7	attempt
120:17	92:4	23:4 227:19	101:2 103:13	124:3,5	64:19 68:22
adjacent	amended	228:10	113:19	127:13,24	151:15
11:11 133:1	110:16	answering	114:24	128:22,24	155:18
adjourn	American	22:16 142:13	126:19 127:1	129:2 144:5	157:14 158:9
8:22	121:6 195:18	142:14	129:18 132:4	144:9 154:15	163:19
adult	Ames	answers	132:15,17	166:9,10	178:11
6:11 121:6	21:22 23:8,14	12:16 21:20	133:11,18	170:3 175:24	190:21,22
advise	23:23 25:24	22:3,23 36:5	134:16	218:8 222:6	attempted
175:12	26:10,13,17	anticipate	149:14	227:18	64:16 65:15
aforesaid	26:22 27:2	13:13	160:21	230:22	149:23
240:11	27:10,23	anticipated	165:16,18	231:14,17	151:19 154:1
afraid	29:8 32:2,12	19:17	166:18 169:5	232:17	154:10
70:11	32:17 33:2,9	anybody	189:15 192:3	233:19,24	179:19 198:1
African	35:5,11,17	31:16 52:15	193:8 197:19	234:5,6,15	attempting
121:6 195:18	35:24 36:6,8	99:10 201:18	208:17	236:4,16	65:22 186:4
afternoon	36:12 37:20	anymore	209:10	asking	attended
	38:10,12,17	100:13 177:20	210:12 225:2	6:19 9:23	23:13

attention 141:20 233:1 235:20 attorney 5:1,15 12:13 34:15 41:23 230:3,6 attorney's 229:4 AT&T 33:22 August 14:23 15:1,4 16:11,17 17:2 18:2 19:10 21:23 23:9 24:5,19 26:4,6,15,21 27:22 28:12 28:15,18,19 28:21,23,24 29:3,12,17 31:10 32:2 32:14 33:4 33:19 34:12 34:17,20,22 35:1,7,12,15 35:18 36:24 37:5 38:13 38:17,20 40:5,8 41:5 41:7,16 42:8 43:15,24 47:3 49:17 50:2,7,10,13 53:1 55:5,21 56:3 58:12 58:15 61:19 72:24 78:16 80:13 82:6 82:10 85:5 85:16,18,23 86:14,21 87:18,20,23 89:16 90:11 91:9 92:21 93:1,7 94:4 94:10,17,20 98:11 101:3 101:10,17,23 102:3,20 103:9,17,24 106:23 107:14 115:13 116:12 118:24 119:4 119:10,13 120:5 126:1 126:4,8,20 127:2,15,23 128:6 144:22 178:7 203:10 208:24 237:18 available 130:8 188:20 Avenue 55:16,22 56:2 78:6,10 101:23 102:14 104:6 104:13,17,22 105:4,9,10 105:14 106:3 108:5,9,13 108:17,20 109:6 110:5 110:24 112:7 114:19,22 115:6 120:18 130:1,6	131:12 133:6 134:8,23 135:13 159:17 166:11,15,17 167:9,14,17 196:6 average 136:22 aware 115:13 194:21 217:7,10 235:14 239:7 A-m-e-s 21:22 a.m. 1:21 25:3 239:23  B 3:10 back 14:22 15:4 17:9 27:1 29:17,20 30:16 31:9 33:19 34:12 35:6,12,17 36:24 39:7 39:15 41:16 42:2,8 43:14 43:24 54:14 54:16 56:2 56:22 57:13 58:9,12 59:15 62:5 64:4,19,23 69:21 71:2 72:8,9 73:9 74:13,20 76:7 87:3,17 89:18 92:9,9 92:21 100:2 100:24 101:2 105:6,14,20 106:10 107:7 108:1 123:16 131:18 137:17 142:3 143:10 146:5 149:19 151:20 152:12 154:15 156:1 156:10 158:21 166:24 185:20 187:5 187:24 191:20 192:8 193:16 195:16 201:20 207:8 207:11 208:24 212:2 217:18 223:13,14,14 223:17 225:22 226:4 226:4,11,12 226:13,13,21 228:13,15 239:9,20 backed 151:21 backwards 148:2 156:4 225:14,16,19 226:2,19,24 233:3,5	badge 112:10,12,13 117:19,21 174:2 195:4 195:6,19 badges 119:19 Baggage 20:18 bar 215:13,20 216:2 223:3 barely 64:7 200:9 214:22 barring 9:2,19 based 175:19 229:21 basic 69:7 basically 57:24 131:8 basis 30:13 93:24 baton 120:1,3 170:20 172:10,16 184:14 187:20 188:2 188:6,8,10 188:16 189:23,24 190:5 batons 120:12 battery 91:8,11 Bears 25:14 28:15 29:11 31:3 31:19 32:19 44:22 53:2 beaten 6:9 beating 7:13 bed 176:14 178:2,3 178:3,7,22 179:2,17,20 182:18 184:13 185:15,18 186:21 187:4 187:10,22 190:11,23 191:2,22 beer 46:3 47:14 began 67:9 78:6,22 76:24 77:18 90:18 102:10 163:6 168:5 183:12 begger 128:15 begging 121:14 beginning 202:8 begun 34:16 behalf 2:7,15 believe 19:1,3 23:7,18 24:21 35:10 35:23 36:12 37:1 39:5 44:12,20	77:13 78:14 88:17 99:2 105:24 107:10 132:14 145:13 149:14 153:18 174:7 174:16,23 180:16,22 206:24 213:13 216:8 221:19,20,22 222:1 226:3 235:2,18 238:6 believed 102:9 127:20 127:24 174:18,19 187:15 218:5 221:17 believes 36:7 belonged 42:1 belt 45:12 229:12 bench 212:13,16,19 213:1,11 215:13,15,20 216:2 223:2 223:5 benefitted 9:21 Bennigan's 78:1,8,15,23 80:4,7,11,13 80:19 81:1,4 81:6,9,11,24 82:3,6,7,9 82:13,18,23 83:6,17 84:4 84:7,10 87:17 89:18 90:1 95:10 95:13,23 96:21 97:5 98:2,16 99:1 99:11,18 101:22 102:2 104:4 123:16 best 13:17 better 238:18 big 31:17 71:4 96:24 129:22 210:13 213:4 bigger 137:23 214:17 bill 100:6 bills 34:2,4,6,9 billy 166:20 170:18 170:19 171:9 171:17 172:10,22 173:5,9,11 173:13,16,19 174:7,15 181:7 184:5 184:8 Bilski 28:6 29:5 birth 84:24 85:17 birthday	17:18 bit 14:6 23:2 78:5 84:15 118:10 132:12 223:24 230:11 black 112:17 120:20 136:6,16 137:4 140:6 140:8 148:22 173:24 175:3 175:5 180:21 191:12 195:1 195:3,10,12 195:13 196:1 196:9,17 197:11,13 198:22 199:3 205:2,11 208:4,7 211:14 212:7 blade 137:24 150:14 150:17 blades 188:1 bleeding 183:15 199:19 209:2,11,16 209:19 210:21 block 105:18 106:4 107:6,24 blocks 44:11 55:24 blonde 113:1,24 blood 209:21 blue 48:8,9,12,16 48:23,24 49:15 50:6 55:2,4,17,23 56:2,13,20 56:23 75:4 76:7,11 92:15 103:14 106:15,20,22 117:18 125:3 173:24 180:18,21 blurry 230:1 board 48:10 body 122:11 153:2 154:3,6 158:12 186:22 187:4 189:9 224:22 bone 210:18 211:16 boot 53:15 born 17:20,22 borrow 91:3 bottles 45:2 213:18 bottom 227:10,10 229:16 Boulevard 1:19 2:12 boxes 213:14,14,18	boy 147:20 Boys 27:6,11 branch 150:3 branches 133:8 brandering 157:4 158:4 break 10:9 13:3,4,6 86:23 87:1 133:7 143:3 143:7,8,12 203:13,16 228:7 Brian 32:2 brief 5:6 8:23 bring 44:21 83:2,3 238:16 broke 63:18 64:10 162:14,17 brought 7:1 44:19 47:14 83:7 239:17 brow 208:19 210:14 210:19 211:15,16 Browns 31:21 bruises 183:23 bruising 191:3 bucks 90:14 building 102:6,10,11,13 104:13,22 105:5,10 115:2 130:2 131:6,8,9,10 131:14 132:3 132:3,8,9,9 132:17,22,24 133:1 135:14 139:18 160:2 160:11 161:5 161:14 166:15 167:3 167:22 169:1 179:20 buildings 165:15 178:12 bullet 117:24 118:5 174:1 181:2 bump 64:1,3,6 bumped 159:20 bumping 63:16 64:5 bunch 147:17 194:2 Buren 95:3 Burrito 32:11,13 44:16 46:4,8,12,15 47:15,24 48:3 50:19 51:15,19 52:9,17 90:11
---	--	--	---	--	---

bus 49:12 125:1,10 business 228:3 240:7 businesses 203:5 busy 105:15 butter 137:19 151:7 button 227:5,6 buy 129:1 B-i-l-s-k-i 28:8	cardboard 213:14 cards 99:5 carried 120:12 carry 119:22 120:9 181:12,20 carrying 138:20 181:7 cars 119:6 193:10 cart 21:16 carved 132:11 case 4:5,21 5:1,4 7:15,22 8:6 10:5 71:2 138:10 cases 5:19 cash 90:7,10 catch 226:16 caught 67:10 cause 145:14 224:13 caused 134:19 176:20 177:8,19 226:1,5,9,13 230:24 233:21 causing 199:24 219:3 226:11 cell 33:12,14,15,18 33:23 34:11 34:15,20 35:9,12,15 41:15,17 42:10 45:8,9 90:21,22 91:7,10,18 91:21 99:21 211:10,24 212:4,11,14 213:3 214:4 214:15,18,24 215:4,17 216:6,10,15 216:16,20 217:19 218:12 221:5 222:15 224:5 224:9 226:17 231:17 232:21 236:18 237:17	chambers 4:6 chance 22:15 change 34:11,18 35:2 99:5,6,10 111:12,18 123:3 126:5 changed 34:21 35:14 characterize 104:6 charged 217:9 charges 6:24 7:8 8:16 8:19 check 90:3,5 cheek 210:12,14,18 211:16 cheeseburger 83:20,24 84:3 89:19 chest 189:3,6,12,15 190:1 Chicago 1:19 2:5,13 5:14 14:16 15:13 17:8,9 17:16 18:22 24:17 25:13 29:11,20,24 30:5,9,13 36:24 37:4 39:7,15 49:23 75:20 76:2 85:8 96:6 116:8 117:18 119:13 120:8 126:9,11 127:1,10,14 128:5 161:20 170:16 174:5 213:24 215:6 216:6,12 217:16,21,23 218:11,13,16 218:20 219:8 219:13,17,18 220:11,14 221:2,20 222:2,12 224:2,8,16 231:20,24 232:14 234:11,16,19 234:22 240:7 Chicago 39:4 93:22 126:19 127:1 Chicago's 50:2 Childhood 39:22 Chips 117:14 chose 93:16 city 5:17,19 37:22 129:20 240:7 civil 1:14 5:4,16 civilly 143:17 claim 7:19	Clark 106:21,22 107:8,19 108:2 125:4 162:2 class 27:13,17 31:6 classes 156:17 classmate 27:4 37:17 39:22 clear 29:14 39:12 42:16 56:5 88:21 126:15 139:16 145:18 183:11 clearly 216:21 CLERK 4:9,13,16 Cleveland 31:21 client 5:13 6:4 8:10 8:11,21,24 8:24 9:22 142:1 close 130:1,4 168:23 169:1 closed 80:15 199:7,8 208:10,12 closer 51:2,2 189:1 229:22 clothes 184:23 225:10 club 170:18,19 171:10,17 172:10,22 173:5,9,11 173:13,17,19 174:7,15 181:8 184:5 184:9 clubs 166:21 coats 65:5,7 coins 99:14 Coleman 104:24 108:10 108:16,21,23 109:10,15 110:4,23 111:13,20 112:16 113:13,17 114:3 115:6 120:17,20 121:5,7,12 122:1,13,22 123:2,6,23 124:3,14,19 125:17,21 129:12,16 130:5,20 132:21 133:6 135:16,19 136:1,2,10 136:14,21 137:1,3,9,12 138:19,24 139:3,8,12 139:15,17 140:3,9,14	141:7 142:17 144:1,7,12 145:12 146:9 146:15,19 147:7,10,14 147:24 148:10,13 150:11 151:9 151:15,24 153:9,21 154:9,15 155:5,17 157:8,14 158:4,9 159:7,12,18 160:3,12,22 161:7,10,14 162:6 163:1 163:18 164:6 167:8 169:15 173:4 174:17 174:23 175:9 183:12 193:9 193:11,17 194:5,14 196:18 197:15,17,23 198:13,17,20 204:2 216:15 217:7,11 234:18,21,24 235:10,21 Coleman's 140:20 216:20 College 18:22 19:8,12 Collins 1:9 191:11,11 191:17 194:21,22 195:21,23 196:4,17 197:16,18,24 198:9,13,21 199:1,19,23 200:14,21 201:24 202:14 203:20,20 204:18,24,24 205:6,10,12 205:17 206:3 206:6 207:6 207:13,20 208:3,6 209:3,9,15 209:24 211:2 211:13,19,22 212:4 218:23 218:24 220:8 220:12 221:4 221:7,12,23 222:3,10,13 222:20 224:4 224:15,20 225:6,12 color 113:8,23 228:19 Columbus 49:7 combination 184:23,24 come 5:2 29:20,23 34:2 62:5 66:2 67:13 74:20 76:7 97:18 98:23 100:10 103:12 140:1 140:11 142:3	146:22 147:20 148:7 151:21 177:1 231:1 235:4 237:8 comes 6:12 39:7,15 comfortable 177:4 coming 113:15 116:22 135:15 138:17 140:15,17,19 140:24 142:20,23 146:2 147:6 149:18 152:13 153:18,19 154:23 175:6 176:8 197:6 common 51:10 communicate 39:10 communication 38:7,10,23 39:3 42:14 42:18 complaint 5:7 8:12 69:12 87:6 110:16 121:2 130:19 138:6,8,9,12 138:14 143:23 144:24 176:18 177:24 178:24 181:22 189:5 190:4 204:22 217:8,11 complete 16:23 completed 13:16,17 25:7 completely 79:12 128:15 158:19 185:22 concerned 69:9 concession 62:13,21,23 63:21 conclusion 56:7,11,18 174:11 concrete 213:23 214:3 219:2 222:14 233:7 confer 8:23 conferring 9:22 confronted 121:4,8 130:19 confusing 58:18 60:11 confusion 147:23 conscious 159:2 consider 26:21 consist 117:17 consistent 8:18
---	---	--	---	---	---

constructive 9:24 consume 46:3 47:22 consumed 45:23 46:19 contact 91:19 154:2,5 156:9 158:11 159:11,19 173:13 175:24 178:8 179:6,24 182:1 184:14 208:18 237:19 238:8 238:11 contains 240:11 contemplated 100:1,21 contest 10:3 continue 162:1 228:1 236:18 continued 124:8 129:12 131:11 155:18 157:14 163:19 180:13 239:22 continues 229:15 continuing 125:14 control 192:14 conversation 4:2 43:11 97:7 143:12 218:13,16 219:17 220:4 231:7 232:13 conversations 232:3 convicted 18:16,18 Cook 1:18 cop 170:16 copy 22:2 68:17,18 101:13 110:15 corner 115:12 131:7 131:13 132:2 132:5,10,13 165:12 167:3 168:24 176:10 correct 94:2 123:1 143:15 166:12 169:9 183:16,19,21 183:24 208:2 232:16 234:9 240:10 correctly 36:10 121:10 155:19 165:4 191:15 205:3 correspondence 42:20,23 counsel 6:21 7:16 8:1 8:10,20 9:11	9:21 118:12 142:4 143:11 143:11,13 counseling 238:3 counsel's 141:21 count 192:8 215:20 190:18 countenance 8:3 County 1:18 240:3 couple 87:6 143:3,6 228:20 236:24 course 5:24 19:5 20:20 21:3,5 21:7,15 23:17 24:5 25:6 141:23 155:13 court 1:1 4:14,18 5:6 6:19 7:18 9:10,14 12:14,17 13:9,14 122:9 131:18 138:15 142:3 142:8,9 164:24 165:6 165:19,20 171:18 174:12 175:23 176:2 176:6,7,13 176:19,21,24 177:23,23 178:12,20,23 179:10,21 182:19 184:2 185:3,7 193:12 200:16 240:6 Courts 1:15 cover 45:4 106:6,9 106:17 covered 132:17 182:17 214:12 co-counsel 5:17 created 8:8 credit 19:1,3 45:17 90:7 99:5 crew 20:18 crime 86:13,20 crossing 104:15 CSR 1:23 CTA 45:19 50:22 75:4 115:17 116:6,7 118:23 119:3 162:2 cuffed 68:14 186:15 193:13,24 207:8,11 215:12,14,14 215:15,24	223:1,8,8,13 223:17 226:3 226:10,20,20 226:23 cuffing 187:16 cuffs 192:8 215:20 226:8,10,12 Cultural 165:13 cup 109:21,23 110:1 111:1 111:4,6,9 124:10 151:9 curb 122:6 current 19:15 39:19 110:18 currently 14:15,18 17:4 18:21 19:23 curse 147:17 custodial 93:11 custody 218:18 cut 16:21 138:2,3 149:17 167:10,17 170:5 176:5 209:18 cuts 183:13 233:9 CV 1:6 CVS 105:19 D 2:2 3:1 dad 79:15,18,23 80:3 93:16 100:9 115:19 116:3,23 117:3,15,19 119:22 156:20,20 181:19 dad's 118:20 damage 5:13 140:22 141:1 150:5 Dame 27:5,11 dark 79:8,10,11 113:1,11,22 180:21 date 19:9,17 84:24 85:16,17 237:2 dates 239:15 day 1:20 20:24 21:3 23:17 23:24 24:19 25:7 28:14 28:19,21 32:24 33:3,7 51:22 66:7 91:6,14	209:21 228:3 229:7 230:6 236:23 238:18 days 28:23 dead 91:5 deal 31:17 96:24 Deborah 104:24 108:10 109:10 121:5 129:2 142:17 144:7 155:17 157:13 163:18 173:4 204:2 216:15 218:20 deceit 18:19 December 17:11 decide 93:14 100:22 105:20 108:13 decided 60:17 62:2 70:9 79:2 93:21 100:23 102:7 105:6 105:8,14 107:7 125:3 161:10,22 decisions 9:16 defendant 2:15 5:12,20 8:4,9 165:2 182:22 191:11 204:24 defendants 1:11 4:21,23 5:11 6:2,20 6:21,24 230:23 233:12,20 236:9 defended 155:16 defense 140:15,17,20 defenseless 190:7 definitely 148:7 degree 19:21 demand 129:4 Denise 28:4,9,11,14 28:17,20 29:3,5 31:2 95:20,22 96:1,3,20 97:6,16 98:1 99:16,20,23 Denise's 28:5 96:8 departed 80:23 Department 2:9 5:15 24:17 75:21 depend 160:14 dependent 9:4 depends	118:19 depose 10:23 deposing 7:16 deposition 1:13 3:12 4:7 5:3,12,21 6:3,4,22 7:10 8:22 9:2,3 10:14 12:9 22:4 110:15,19 141:23,24 142:3 228:6 228:22 239:16,21 depositions 1:16 7:21 describe 63:13 104:8 112:15 122:9 186:16,17 205:15 despite 164:22 182:18 destination 51:3 detail 5:8 114:14 detention 214:1 determine 50:18 determined 180:11 device 130:12 diagonal 167:5,10,18,23 168:2 170:5 171:7 176:9 Diamond 131:6,8,14 132:3,16,22 135:14 139:18 160:2 160:11 161:5 161:14 166:15 167:3 167:22 169:1 died 91:7,11 different 73:15 206:12 232:11 239:4 Dion 1:8 2:18 169:11 direct 193:1 196:12 direction 140:7 161:23 directions 102:17 directly 34:2 74:7 88:15 110:12 132:16 135:7 206:23 208:16 disarm 156:21 disclosure 10:18,21 11:3 237:15 discovery 10:14 discuss 48:4 discussed 117:3	discussion 96:17 141:18 143:20 disheveled 165:1 182:21 183:1 dishonesty 18:19 dispute 4:6 distance 122:14 132:12 167:2,11 207:23 District 1:1,2,15 218:4 232:11 DIVISION 1:3 divorced 93:8 doctor 238:1 doctors 11:21 document 22:10 documentation 10:22 dog 66:10,15,21 88:23 119:23 doing 43:10 108:24 137:11 138:23 139:12 148:2 157:15,19 186:24 205:20 235:11 240:6 dollars 105:21 123:24 door 132:13,17 207:2 214:2 214:7,10 215:1 216:17 218:23 219:8 220:5,9,12 221:3,4 222:18 223:6 223:7,9 doorway 122:2 downstairs 202:2 206:19 231:2 downtown 97:18 98:23 101:1 103:13 125:24 126:11 dozen 55:11 94:24 103:21 127:6 Dr 11:8 237:15 239:7 drag 192:6 dragged 191:8 192:5 199:23 200:14 201:14 202:5 dragging 201:8,9,10 202:23 drink 46:7,11 54:3,6 83:3 84:7,10
---	--	--	--	---	--



86:15 drive 48:21 49:3,7 49:10 50:17 51:6 56:19 59:16 73:20 73:24 77:20 77:24 78:4 79:7,13 driver's 84:19 85:13,14 Drive/Jackson 56:13 77:8,11 77:15 80:10 drunk 155:10 duck 155:24 duly 10:12 12:4 240:5	220:22,23 else's 33:24 emergency 238:23 employed 7:3 19:23 29:18 encounter 128:5 130:5 153:21 160:1 164:6 166:10 encountered 5:23 104:23 108:10 113:13,17 115:5 120:16 120:23 123:23 128:3 126:9,14,21 126:24 127:10 128:21 166:13 170:1 174:6 ended 57:17 63:4 191:2 193:16 ends 229:18 enforcement 195:7 engaged 158:7 engaging 8:5 41:5 enrolled 19:8,12 enter 132:13 178:11 206:2,5 entire 92:18 159:24 164:6 190:22 entitled 7:15,21 128:12 entrance 132:11 140:6 194:18,24 environment 6:15 7:19 8:8 ER 239:12 error 23:4 escorted 72:11 estimate 38:24 40:13 112:20 estimating 190:17 et 4:22 evening 25:14 31:11 72:22 82:11 85:16 88:22 92:18 96:3 100:14 111:18 233:22 event 12:22 23:9,13 25:16 events 184:13 exact 102:15 236:12 exactly 13:12 exaggerated	7:14 examination 1:14 3:2 12:6 examined 12:5 223:20,21 excuse 61:24 217:18 exhibit 3:12 7:13 22:5 110:15,20 138:14 228:23 existed 119:7 existing 9:5 exit 67:18 expandable 190:5 expecting 79:15 94:4 experience 5:19 explained 4:8 exposed 230:19 expressed 145:2 expressing 8:14 extend 208:20 extended 43:10 extinguisher 213:17 extra 33:3 eye 208:8,16,17 209:22 210:1 eyebrow 209:16 210:11 e-l-i-n-e 16:4 e-mails 42:19	116:23 123:22 125:2 126:13 149:8 175:7 187:19 193:3 229:23 fairly 191:6,21 229:5 fake 86:6,8,17,19 88:12,15 fall 158:18 162:17 166:7 176:21 177:9,19 fallen 164:23 182:19 falling 171:17 175:22 225:22 226:2 226:4,12,13 226:15,19,24 233:5 familiar 193:3 family 6:13 25:21 36:9,13,21 36:23 37:2 37:20 38:2,3 116:22 far 10:4 19:1,3 44:6 61:14 67:12,15 88:15 105:13 122:4 139:18 152:1,5 168:15 224:1 226:15 fare 105:22 106:6,9 106:18 125:5 fast 201:9 fat 136:17 father 6:13 14:18 15:5 24:15 24:16 25:6 25:18,23 28:1 29:6 34:8 37:3,5 41:19 50:17 120:1 father's 33:24 fault 5:24 12:1 feared 70:2 federal 138:15 feel 6:3 8:11 232:24 feet 122:5,19 150:9 150:9 162:13 168:16 170:8 172:6,9 183:18 191:8 192:6,7,18 193:6,16 202:6,12,16 207:19 fell 158:21,22 173:17 174:12 176:2 176:12,19 177:20,22	182:17 223:14,17 225:14,16,19 233:3 felony 18:16 felt 64:24 190:15 female 98:8,9 112:17 136:6,16 137:4,10 146:9 fences 129:21 fencing 178:4 festival 87:13 Field 48:4,17,19 49:5,11,18 50:9,13,20 51:9 52:10 52:18 53:18 53:23 54:2,5 54:10 57:3 57:10,18 58:7,19,22 58:24 59:5 59:21 60:17 61:18 62:2 68:2 69:17 70:21 71:24 72:10 73:5,9 73:17,24 74:3,6,9,11 74:23 75:13 76:3,6,15,18 76:19 77:1 77:11,19 78:21 79:21 80:24 81:3 83:14 87:11 88:5 89:5,6 89:9,16 90:17 92:6 96:23 97:2,8 98:18 figured 32:18 69:7,24 70:2,3 141:14 142:20,22 220:2 file 69:12 110:18 filed 18:14 138:9,15 filing 213:15 fill 175:10 218:19 filling 68:20 finally 13:20 186:15 187:18 find 91:24 108:10 236:22 237:7 237:17 238:9 fine 131:24 175:11 finish 47:18 142:14 143:5 171:23 197:16 225:3 finished 22:9 100:3 142:13 fire	213:16 first 12:4 28:17 38:16 48:21 58:20,21 60:3,15 61:16 62:14 62:18 65:3 87:8 108:20 108:23 109:9 109:15 110:4 110:15 120:23 126:8 137:14 139:19 142:16 149:8 152:3,5 159:16 165:9 167:2 170:6 170:12,23 171:1 172:4 172:9,16 173:4 179:24 180:4,24 185:16,19,21 186:20 187:12,19 194:21 195:11,23 196:2 200:1 204:13 206:21 209:21 210:23 215:9 217:10 218:4 218:19 232:11 233:21 234:2 234:5 238:16 240:5 fit 199:7,8 208:10 208:12,13,20 fit 200:10 FitzSimmons 2:3 4:15,24,24 5:9 9:7,12 10:2 11:2,17 11:24 14:5 25:9 30:11 41:10,12 80:6 69:13 86:24 96:15 118:11,15 123:17 128:13 131:15,22 141:16,20 142:7,9,24 143:6,10,18 175:10 181:13 183:6 192:23 196:10 203:13 223:19 227:18,22 236:22 237:6 237:10,14,17 237:22 238:4 238:8 239:2 239:10,13,17 five 11:8 132:23 173:12 190:19 floor 1:19 2:12 192:2 222:14 flower 129:22,23
---	---	--	---	--	---

131:10 135:6	8:6 64:4	231:19 236:6	goes	192:9,15	hair
176:14 178:2	114:18 122:6	236:15	142:2 159:6	219:1 222:13	112:24 113:23
178:3,3,7,22	128:15 131:8	general	230:10	224:20 225:6	hairline
179:2,16,20	131:14	114:6	going	225:8,12,12	208:21,23
182:18	132:16	generally	6:2 8:3 10:3	grabbing	half
184:13	154:16 161:4	7:20	11:12 13:12	201:7	9:15 19:7
185:15,18	161:13	gentleman	14:1,5 16:20	graduate	20:16 31:1
186:21 187:4	202:22	21:22 68:5	16:22 25:13	27:13,18	48:1 103:21
187:9,22	207:14,17	71:7,21	25:18,19,22	graduated	105:18 108:4
190:11,23	225:23	144:3,12	25:22 28:14	27:8,16,19	107:6,24
191:2,21	fuck	145:21 146:7	29:11 31:6,6	graduation	127:6 160:8
focused	147:19	147:8,9,14	31:10,10,14	19:17	162:14,17,17
146:4	fucker	148:18 150:1	31:14 42:15	Granberg	162:20,24
folks	131:2,5 133:12	152:22 153:8	48:4,7,9,12	1:4,13 3:3,12	202:10
7:6	133:23	154:8 155:21	48:15 49:3	4:5,21 10:14	231:18
following	134:19 146:1	156:3 158:4	49:12,12	10:23 12:3,8	halfway
4:1 64:15	147:19	158:8 161:15	50:19 54:11	14:10 18:2,7	202:13 229:19
196:19 204:4	163:24 164:2	162:16 174:6	60:6,17	22:4 36:7	hand
follows	194:1,5,12	174:24	64:23 66:2	110:19	111:1,1 116:21
4:3 12:5	full	198:17 204:7	70:4,5,14	143:23	139:6 148:24
follow-up	16:23 52:22	gestures	71:1,3 72:7	228:22	149:2 150:11
9:23 239:1,16	199:12,13	12:17 186:17	79:2,24	grandparents	151:13 153:4
food	237:15	205:15,16	87:10,11	35:23 36:3	162:15,20,22
63:5 83:2	Fuller	getting	100:2,20,21	Grant	188:8,10
126:5	98:14	48:6 56:22	100:23	87:12	191:14 199:5
foot	full-time	78:20 87:5	104:12	Great	201:3,3
207:21	20:3	92:11 104:5	110:14	239:11	205:17
football	functioning	166:20,21	118:11	grew	208:11
52:23	113:20	170:14,24	122:11 125:3	49:22	210:13,24
force	further	171:3,6,9,14	131:16 139:5	groin	handcuffed
75:15,18	48:18 51:6	171:20 175:4	139:7 141:16	223:16 227:4	191:8,18 192:2
115:14,17,24	143:14	190:15 230:7	142:6,8	230:16	195:16 200:8
145:5,8	F-u-l-l-e-r	238:18	143:4,16,17	ground	201:15 206:7
146:17,21	98:14	girlfriend	144:24 146:1	12:11 155:17	208:1 213:22
226:4		28:2,9 29:5	146:5,6,23	157:14 159:1	215:10
foregoing	6	95:16,19	149:19	162:18	222:22
240:9	game	give	152:14	163:18	handcuffs
forgotten	25:14,19,22,24	6:4 8:18,24	153:15	173:18	193:22 200:2
123:8	26:3,7,13	32:18 72:6	154:19	177:22 178:1	200:11
form	28:15 29:12	75:24 79:23	161:23 162:1	178:2,9,13	203:19
6:18 11:14,22	31:3,6,11,14	80:3 97:19	163:23 164:1	186:2 187:3	215:17,19
60:7 66:9	31:18,22	124:18,20	164:10 167:4	209:17	handed
118:12	32:19 48:5	125:14,21	189:20 193:1	222:20 224:4	230:5
180:11	52:3,5,20,23	133:20 134:3	196:12	224:16 226:5	handle
181:13	54:11,20,23	147:1,2,2,4	202:16	233:7	151:5
formal	56:6,8,10,18	given	204:14	growing	handling
89:12	58:18 59:7	12:9 240:11	211:18	116:24 117:7	10:6 20:18
former	59:24 60:3,9	giving	217:18 218:8	guard	hands
26:19	60:15 61:15	8:1 41:23	218:9,10,17	65:21,24 68:24	109:18,22
forth	62:11,15	230:3 235:3	220:2 228:9	70:4,8,10	129:15 147:5
146:6 151:20	71:2,5 72:16	glass	228:20	71:23 73:11	149:7,10
forward	79:16,17	110:2,3	231:14	75:19,24	153:4 158:19
148:1,4 156:8	90:12 91:15	glasses	234:13 237:1	89:8,16 92:6	178:16,19
found	91:15,16	112:22	237:19,24	guards	179:12
166:22	Garland	go	238:12,14,20	65:6,14,19	184:17
four	164:24 165:6	5:7 9:1 11:13	Golf	71:16,20	195:16 200:7
52:22 233:24	165:12,19,20	12:12 20:5	20:20 21:2,4,7	guess	200:15
fourth	171:18	22:2,8,21	21:15 23:16	27:1 100:14	207:11
21:19	174:12	23:2 25:13	24:5 25:6	104:6 132:11	215:12
four-year	175:23 176:2	26:7,12	good	132:16	222:22 223:8
19:18	176:6,7,10	28:14 30:13	7:6 30:20	134:10 167:2	223:13
frankly	176:13,19,21	31:2 36:16	104:10	201:5,8	226:19
5:19	176:24	43:14,16,19	105:18 132:5	guidance	Hang
freaking	177:23,23	48:18,20	138:5 166:14	6:19	4:9
170:15	178:12,20,23	49:7,10 51:5	190:19	gun	hanging
free	179:10,21	61:2,13,20	236:24	181:4 188:13	177:5
6:5 8:11	182:19 184:2	62:7,11,19	gotten	guns	happen
188:19	185:2,6	64:19 66:4	55:4 103:16	119:24 120:9	71:5 72:2
Friday	193:12	67:22 68:15	107:1,3	guy	happened
238:12	200:16	69:17 71:2	125:11	67:2,6 70:24	5:20 61:7
friend	Garland/Ran...	72:6 81:21	grab	71:3,13,15	64:20 67:6
26:17 37:9	197:19	92:21 94:7	184:17,19,22	75:14 118:18	71:12 72:14
39:9,14,17	gas	96:15 100:17	184:23	138:17	72:19,22
39:22 98:5	30:24	105:8 106:10	224:21	142:20	73:6,21
140:4 141:14	gay	106:21	225:10	194:14	91:14 97:1,8
friends	128:17	110:14	239:19	G-r-a-n-b-e...	98:17 105:5
26:22 31:9,13	Geanes	126:15	grabbed	14:11	162:6,11
51:18 127:9	1:10 2:19	141:16 146:6	156:1,12		171:14
fries	141:21 142:2	158:19,20	177:21		172:19 175:2
83:21,23 84:3	204:24 231:1	186:6 190:24	184:15		196:20,22,24
89:19	231:4,8,11	206:18 207:6	185:14		197:4,5,5
front		233:24 234:5	186:20 192:8		201:11

211:20	4:18	213:3 214:4	I	21:23 28:12	initially
227:12,23	help	214:18,24	ID	28:18,20	33:2 129:2
happens	152:16 160:13	215:4,16	3:11 66:11,12	33:4 38:13	141:8 151:23
70:19 221:18	160:15,19,20	216:6,10,14	85:13 86:6,8	38:17,20	154:15
happy	160:23,24	217:19	88:12,12,15	40:5,8,12,15	167:13 171:6
9:15 10:5 13:4	164:18	218:12 221:4	88:22 89:2	40:15,18	171:24 173:3
13:23	helping	222:15 224:5	idea	72:21 73:1,4	207:3 209:4
hard	174:18 235:11	hole	7:22,22 8:7	73:8,10	226:8 236:16
64:7	hey	230:12	9:2,18 34:8	74:23 83:13	initiated
Harlem	43:10,13 51:22	home	35:14 37:22	102:23	165:2 182:22
32:6 35:19	67:13	24:6,7,10,14	39:6,18	143:14,16	injured
43:8 44:3	he'll	25:5 26:3	51:17 69:2	166:4 197:5	200:1
48:11,23	132:1	41:16 42:10	82:10 88:1	203:10	injuries
50:5	Hi	42:12 54:11	91:13 102:4	inclination	230:24 233:21
harm	4:12,19	57:23 58:1	102:5 107:13	76:1	238:24
64:2 70:1	Higgins	79:15,24	116:10 134:4	include	injuring
145:14	32:6 35:19	92:9,21	137:7 149:12	42:19 203:9	219:2
150:18	43:8 44:3	97:11,13	153:20,23	including	inquire
155:18	high	101:11	161:15,19	5:12 145:4,8	6:1
157:15	27:3,4,5,11	103:12	169:17	146:13,17,21	inquired
163:19	31:5 37:16	106:11,14	174:14	210:18	116:14
Haven	39:22	125:7,11	175:16,18,19	incorrect	inside
81:15,20 82:11	hiking	209:18,20	192:16 216:5	178:24	61:17 99:3,11
82:17,22	53:15	homeless	218:1	indeterminate	111:8 177:6
83:6,12	hip	121:4,8,13	identification	121:6	204:20
87:20,23	189:1	127:21,24	22:6 66:6,9,10	Indiana	212:13 213:3
Haven's	HIPAA	139:16 144:1	66:13,14	16:13,17 17:2	213:10
81:18 82:6	11:14	144:2,4	84:14,17	17:5	226:17
88:1	HIPAA's	165:2 182:21	85:4,5,7,12	indicate	instance
head	239:9	183:2	85:15 88:2	21:21 45:5	16:19
12:18 90:11	histories	Honor	86:10,18,20	52:15 69:5	Institute
101:11 102:4	7:6	5:1 6:23 9:8,9	88:6,21,24	70:14 86:8	78:2,9
147:19 153:3	hit	10:5,8	89:1 110:21	130:18 221:9	instructing
155:22 156:4	107:19 150:4	hood	112:5,12	indicated	131:20
188:1 208:18	157:17,19,22	113:6	228:24	38:22 50:4	intend
headed	157:23	hoodie	identified	63:4 64:10	145:3
135:2	158:15,15,16	113:5,8	104:24 121:5	65:2,14 74:8	intended
heading	158:16,21	hopefully	195:21	84:16,21,24	5:11 146:20
74:13,16,24	159:9,10	237:8	identifies	85:17 89:11	intending
92:9	162:14,16	hour	110:17	90:16 121:15	145:7
health	171:9,16	1:20 30:24	identify	127:9 129:10	intention
11:6,15 23:1	183:22	48:1 95:11	23:8 85:7	130:7 135:6	48:22 62:18
hear	184:11,16	216:9,11	216:23	146:12,16,20	76:10 92:20
7:8 13:22 37:8	186:9 187:12	217:20	220:23	177:24	107:23
110:6,8,10	190:15 196:9	238:18	identifying	181:24 182:5	interrogato...
111:8,11	196:17,21	239:23	66:23	182:7 183:4	11:4 21:21
133:6 134:14	197:13,18	hours	idiot	186:19	22:3,24 36:5
138:2 164:17	198:1,1	19:1,3 20:4,5	8:4	202:15 219:7	interrogatory
164:20	199:1,5,9,14	20:6,8,11,12	Illinois	224:19 227:3	11:3
172:24 173:6	199:16,17,20	20:14 25:1,7	1:2,18,20 2:5	233:3 238:22	interrupt
193:21	202:24	25:11 47:22	2:13 11:15	indicates	19:2 198:16
196:16 197:8	205:13,13,17	213:23	15:14 17:8	121:3 143:24	intimidated
197:23 215:3	205:17	231:18	85:3,5,7,12	181:23	7:23
216:19,22	210:13,13,14	232:22	86:14,20	indicating	intoxicated
220:22	211:5,9,17	house	240:1	225:1,6	46:22 47:3,6
224:12 232:3	211:18,22	32:8 40:23	imagine	indication	involved
heard	212:4,5	41:17,18	11:13	133:21	6:17 9:6 65:12
9:10 36:14,18	219:23	43:16,20	immediate	individual	67:3 68:6
36:19 37:7	223:15	45:8,10,11	36:9,13,20,23	5:10	69:10 71:21
87:20 116:2	225:17,18	57:14	37:2	individually	75:15,21
127:8 128:9	226:1 231:4	hucked	immediately	5:18 145:16	involving
131:2,4	233:5,6	157:19 158:2	11:11 132:24	inflict	5:5 18:19
133:11,21	hits	162:10,12	153:13	141:1	irrelevant
134:1,4,12	205:6	huge	191:13	influence	128:16
134:18 137:6	hitting	150:10	195:10	155:7,12	issue
144:15,21	191:12 195:10	humiliating	impaired	information	5:3 9:18
152:19	195:12,24	191:9 192:10	46:22	11:12 34:14	issues
155:11 180:1	198:22 199:3	192:11,15	implied	64:13 66:1,3	7:4
180:6,7	205:1,11	193:7	145:7	66:24 67:14	I-bond
187:10	208:4,7	hungry	imply	67:22 68:15	217:15
193:24 194:7	211:13 212:7	78:20	76:1	69:6 70:5	
194:13	hold	hurt	implying	71:1,14	J
197:15,17	142:5	200:3 235:21	60:8 145:2	88:15 237:9	J
213:24	holding	235:22 236:1	impression	237:19	2:10
216:16	137:16 140:3	236:2,3	141:3 155:6	informed	jacket
217:20	148:10	hurting	150:10,19,20	10:17 142:1	89:14
218:13	151:10 152:4	233:1	150:21	inhibited	Jackson
hearing	153:4 157:8	husky	229:12	8:22	1:19 2:12
240:9,12	188:1 201:1	H-a-v-e-n	incident	initial	48:14,16,19
held	201:5,6	81:16	10:19 19:9,13	14:12	48:24 49:2
206:13	211:23 212:3			initialized	49:11 50:5
Hello	212:10,14			197:20	

50:24 56:19 56:23 78:13 Jackson/Lake 73:19,24 77:20 77:24 78:4 79:6,13 Jacqueline 15:23 16:4 jagged 212:24 jail 217:13,14 Janoma 18:11 January 20:16 jeans 113:5 Jennifer 2:10 4:22 jersey 53:2 225:8,13 job 20:3,23 jobs 21:13 Joe 4:24 142:11 join 123:3 joined 204:24 joining 175:1 joking 224:10,10,13 JOSEPH 2:3 judge 4:16,19 9:13 judge's 4:5 July 239:22 June 15:9,10 J-a-c-q-u-i 16:4 J-a-n-o-m-a 18:12	172:21 177:13 178:1 178:15,18 179:6,12 180:1,20 181:1 182:12 182:22 183:5 184:3 185:6 185:14 186:19 187:5 187:8,20 189:4,23 190:4 191:7 192:3 193:22 194:17,23 197:2,3,4,8 198:12 199:22 200:13,15,22 200:24 201:14,23 202:15 203:21 204:19,23 205:8,11,13 206:3,6 207:5,16,24 210:1,4,7,16 210:17,24 211:3,15,22 212:5,9 233:14 236:15,17 238:16 kind 7:19 8:5 9:4,5 9:23 13:13 41:1 53:7,10 79:10 110:1 115:2 118:9 132:5,10,15 136:20 137:24 140:5 149:5 163:13 165:15 167:5 167:11 168:2 174:17 202:20,22 203:4 205:23 208:21 227:4 229:24 230:10,12 kindly 67:20 kinds 8:24 King 32:11,13 44:16 46:4,8,12,15 47:15,24 48:3 50:19 51:15,19 52:9,17 90:11 knee 186:8 187:5,8 187:24 229:22 knees 158:20 knew 16:20 25:21 31:5,10,14 48:6 51:13 52:6,15 55:24 75:17 78:23 81:2 81:12,23 82:23 86:13 86:17,19 101:10,21 116:6,24	119:7 139:19 140:8,14,16 157:20,24 165:23 170:17 196:19,20,20 196:22,24 197:2,5 215:6 219:18 226:15 knife 137:13,14,18 137:19,20,20 137:22 138:1 138:2,3,4,5 138:7,10,11 138:19 140:4 140:21,22 146:5,23 148:3,4,10 150:11,16 151:2,6,7 152:1,4,8,19 154:5,9 157:8,21 158:5,12 162:7 163:22 164:18 182:1 knives 137:20 know 5:23 6:11 8:2 8:12,19 9:15 9:16,20 10:4 13:4,12 23:14 24:22 25:18 27:3 27:16 28:14 30:3,24 34:4 34:6,9 35:20 35:22 36:1,2 36:4 37:4 38:22 39:19 42:10 44:11 47:15 49:9 49:19 50:24 51:2,3,5,9 51:11 52:2 52:11 55:16 55:21 56:1 57:6 61:18 64:5,24 65:8 67:7 68:1 69:8 70:1 71:2,4,6,10 71:12 72:2,7 72:9,13,18 73:14,21 74:2,6,11,17 74:17,19,24 75:4,13,19 79:9,23 80:3 80:6,16 81:18,20 82:5 86:3,4 88:16 89:13 90:14 91:6 92:14,16 95:4 96:3,9 96:10,12 99:8 100:1 100:12,13 101:9 102:1 102:15 105:16 107:11,16,18 108:10 109:10 111:13,17 113:22 115:7 115:18 118:19 119:2	120:3 122:8 123:7 128:11 128:18,24 129:9,19 130:6,14 131:7,9 133:3,14,24 133:24 134:4 134:15,17 135:8,22 136:18,20 138:16,17 140:8,13,14 141:10,12 142:21,23 144:2,17 146:6 147:19 147:20,22 149:4,5 150:7,7,9,10 150:16,24 151:11,21 152:12,14,14 153:19 154:21 157:18 158:10,16 159:10 162:11 165:14,24 166:14 168:20 169:3 169:4,5,7,22 170:2,17,22 171:12 174:22 175:8 180:18 181:10,12,12 181:17 185:1 185:5,9,11 186:7 187:2 187:6,15,16 188:8 190:13 191:1,5 192:13,20,24 193:14 194:2 194:7 196:4 196:8,20 198:24 199:6 200:20 201:4 201:7 202:10 203:3,4 204:2 210:12 216:15 217:23 219:16,21 223:5 224:1 224:2,10 227:10,11,12 227:13,15,23 228:11,12 231:21 232:6 234:24 235:10,17,22 236:1,3 239:4 knowledge 39:14 51:10 65:3 181:15 181:18 known 6:14 181:6 knows 25:9 39:8 Krupica 11:8 237:15 239:7 KUZAS 2:2 Kyle 39:21 40:4,7 40:21 41:4	42:2,4 K-r-u-p-i-c-a 11:9 K-9 24:16 L Lace 53:12 laces 177:5 lake 48:21 49:3,6 49:10 51:6 56:12,19 59:15 77:7 77:11,15 80:10 106:21 106:23 107:16,19 108:2 125:4 162:2 land 185:18,19,20 landed 186:21 191:6 191:21,22,23 lanyard 112:9 LARRY 1:10 2:19 LaSalle 2:4 late 100:11 Latino 220:18 laughing 142:1 219:24 224:7 Lauren 98:5,8,10,16 98:20 99:16 99:20,23 Lauren's 98:13 law 2:9 195:7 lawsuits 18:14 lawyer 130:21 lay 190:6 laying 186:8 187:3,21 lazy 97:15 leading 145:12 leaned 156:4,8,10 learned 117:6 156:19 166:3 169:11 172:2,21 219:16 238:22 leave 45:11 54:23 56:18 59:2,4 60:4,17,18 60:22,24 62:2,3,6 64:12,14,17 64:22 65:22 67:9 69:24 70:4,5,10,20 70:23 71:7 71:24 220:11 231:15,24	237:1 leaving 7:18 56:6 57:17 58:19 60:9,9 65:15 95:10 135:19 Lecas 15:23 16:1 led 174:7 left 43:16 57:8,10 57:14,16 58:7,22,24 59:8,10,11 59:14,20,24 60:3,5,8 61:12,16 62:11,14,17 68:23 72:10 75:8 76:19 81:3 90:10 95:22 104:4 140:5 149:18 156:11 166:19 168:10,12,14 169:13,18,24 171:8 172:1 172:5 173:4 186:24 201:3 206:23 207:17 208:13 210:7 210:10,18,19 211:15,16 216:3,4 223:1 230:12 230:16 231:20 232:9 234:12,16,19 234:24 leg 149:5 230:11 legs 186:1 length 113:2 letter 41:23 let's 67:14 96:15 126:13 212:2 218:19 license 1:24 84:19 85:13,14 lift 192:17 light 44:19 45:2,23 45:24 46:19 47:23 53:7 79:7 104:15 113:15 180:18 214:21 lighting 113:12 Likewise 13:16 line 48:8,9,12,16 48:23,24 49:15 50:7 55:2,5,17,23 56:2,13,20 56:23 61:23 62:13,24 63:2,20 64:6 75:5 76:7,11 92:15 101:5
---	--	---	--	--	--



103:14	201:18	98:8 140:6,8	60:12,14	81:10,13,17	138:5
106:15,20,22	204:22	148:22	69:18,21	81:19 82:1,4	met
125:4 128:13	206:15	149:22 195:1	70:7 86:23	82:12,16	23:23 27:23
164:22	216:17,24	195:3	87:3,4 96:19	83:22 84:1,8	29:8 43:21
229:12	220:17 229:9	man	110:22	84:11,18,20	44:13 46:21
230:13	230:9	5:5 6:11,12,22	118:14,16	84:23 85:2,6	47:9 52:8,16
litigant	looked	67:10,13	123:19,21	85:9,19,21	54:8 63:9
7:20 9:3	64:8 112:16	68:5,10	128:20	86:7,12,16	75:12 82:2
litigant's	137:21 138:2	70:12 71:12	131:20 132:7	86:22 87:22	metal
7:22	149:4,18	88:9,11 89:5	142:1,12	87:24 88:3	178:6 190:5
little	168:9,14	140:14 144:8	143:19,22	88:13,20	200:11
14:6,6 23:2	170:14 171:7	153:20 155:5	175:15	89:7,17,21	212:16,19
59:18 78:5	171:13 172:1	157:8,11,16	181:16	90:13,23	Metra
84:15 114:14	172:5 197:7	158:15	183:10 193:2	92:23 93:23	1:7 2:9,18,19
118:10 131:9	206:10 217:3	160:12,23	196:13	99:19 105:1	5:2 7:3 73:6
150:16 151:3	235:11	161:6 164:6	203:15,18	106:7 111:16	100:23 101:1
205:9 213:18	looking	169:19	223:20,22	111:19,22	101:16 102:8
216:17	6:18 19:20	193:18 194:5	227:20 228:5	112:14 116:1	103:14,16
236:19	36:5 139:14	194:14	228:8 229:1	116:5 129:17	104:1 105:23
live	155:14 190:3	195:18 198:6	236:22 237:4	142:10	106:6,9,18
10:6 14:15	191:7 213:21	228:2	238:6,20	144:10 157:1	115:14,20,23
15:16 16:12	218:22	managed	239:8,11,19	157:6 163:12	116:4,10,11
17:4,14 18:4	239:14	90:19 95:12	ma'am	163:14,16	116:15,18
35:17 36:23	Loop	158:14	12:10 14:14,17	181:21	119:9 124:1
88:19 93:14	55:5,17 76:7	manner	14:19,21,24	220:21 221:1	161:16
93:16	77:4 90:18	60:10 157:5	15:3,6,11,15	mean	163:11
lived	101:2 103:13	191:9 192:10	16:10,16	16:21 19:2	166:23
15:7,13 18:6,8	125:24	March	17:3,6,17,19	26:24 30:24	191:10
18:11 35:22	126:18	21:11	17:21,23	31:17 42:14	199:24 204:1
37:5 40:21	lose	22:2 110:14	18:1,3,7,13	107:20	204:19,23
40:24 86:2	176:23	228:20	18:15,17,20	112:12	205:5,22
93:17,18	losing	marked	18:23 19:11	115:17	206:20 209:5
101:2	177:18	3:11 22:5	19:14,16,22	126:12,12	211:4 218:7
lives	lost	110:20	19:24 21:6,9	130:20 133:2	218:10,14,18
37:9 96:10	176:22 201:16	228:23	21:14 22:1	136:15 141:1	219:18
living	lot	martial	22:11,14,18	146:22	221:17 232:4
14:22 15:2,5	6:16 20:14	156:13	22:22 23:6	154:19	232:15
15:12 16:14	32:13 39:10	Mason	23:11,22	159:14 160:1	234:18,21
17:1 29:15	46:1,4,4,8	15:13,17,20	24:1,3,9,13	171:20	235:1,5
39:4 41:4	46:12,16	49:23 85:8	24:18 25:4	191:20,23	Michael
44:7	47:15,24	93:19 94:1	25:15,17,20	192:12	14:13
located	48:3 50:20	Mass	26:9 27:7,9	196:24	Michaelene
78:9,9 80:14	51:15,19,23	119:2	28:10,13,16	197:20,22	16:6,14
129:23	52:9,17	maternal	29:16 31:8	198:16	Michigan
location	70:19 81:21	36:2	31:12,15	199:18 201:5	55:16,22 56:1
106:19 147:15	86:4,5 104:7	matter	33:17 34:5,7	227:10	78:6,10
169:23	132:10	7:5 8:1,9,17	35:13,16,21	meaning	80:14 101:22
logical	loud	10:16	37:6,15,18	21:3 27:19	102:14 104:6
237:3	12:16 129:8	matters	37:24 39:16	203:8	104:12,17,22
long	155:8 218:15	5:16	39:20 40:3,6	means	105:4,8,10
15:7 18:24	louder	Matthew	40:16,22	106:11,13	105:14 106:3
20:15 52:1	14:6	1:4,13 3:3	41:3,6,9,21	144:17	108:5,9,12
75:7 77:10	lunch	10:14,19	42:9 44:2,15	meant	108:17,19
95:9 111:13	228:7	12:3 14:10	44:23 46:9	14:2 32:21	109:6 110:5
113:2 140:10	lying	14:12 87:5	46:13,17,24	medical	110:24
148:9 150:9	187:9 188:18	121:4,9	49:1,18,21	230:22 231:8	111:15 112:7
150:9,14,16	L-a-u-r-e-n	145:1,5	49:24 50:8	231:12	114:19,22
151:18	98:7	149:23	50:11,23	232:18,24	115:6,12
152:23	L-e-c-a-s	155:16,18	51:16,20,24	233:14,19,22	120:18 130:1
159:24	15:24 16:2	157:15	52:7,12,19	234:3,7	130:6 131:7
162:13		163:19	52:21,24	235:20 239:3	131:12,13
166:20 177:7		164:23 165:3	53:3,6,9,20	239:5,6	133:5 134:8
193:14 216:5		182:18,23,24	54:1,4,7	medium	134:23
226:7 231:14		190:4,6	55:12,15	113:2	135:13
231:16,23		191:8,12,13	56:21 57:1,5	meet	159:17 165:8
232:6 234:14		199:23 205:1	57:7,11,19	29:2 32:2,5,12	165:9 166:10
longer		205:2 213:22	58:4,8,11	32:17 33:2,7	166:15,17
74:9 103:1		213:24	59:1,9,12	43:16 44:4	167:9,14,17
202:11		218:23 219:1	61:5 62:9,22	44:21 81:1	169:1 196:5
229:10		219:3 230:22	63:1,3,8,10	100:17	middle
look		233:19	63:12 64:18	238:12	14:12 121:7
5:7 22:8,21		Matthew's	64:21 65:13	meeting	176:13
50:21 112:24		199:24 219:3	66:20 67:5	32:7,7 51:14	179:10
120:4 134:5		Mayhew	67:11 68:3,7	73:10 76:14	midnight
134:12 136:5		2:10 3:4 4:22	73:12 74:4	79:20 88:4	216:9
137:18,24		6:1 9:9	75:3,6 76:16	member	midway
148:21		10:13 11:20	76:20 77:2,5	75:14	184:2
152:12		12:2,7 14:7	77:22 78:7	mental	mile
162:10		22:7 25:10	78:11,17	11:6,15 23:1	107:19
164:21		30:16,22	79:4,22 80:2	merits	military
166:19		41:11,13	80:5,8,12,20	8:14	66:19
182:15				mess	Millenium

94:8,16,19 115:7,10 194:18 195:15 198:9 198:12 201:22 202:3 203:2,22 204:1,14,20 206:18 Miller 44:19 45:2,23 45:24 46:19 47:23 mind 11:22 130:23 196:11 mindset 183:7 mine 239:19 minimize 8:13,15 9:17 minimum 20:7 minute 22:9 96:16 160:5,6,8 minutes 44:8 48:1 61:16 62:10 62:14,17 75:11 77:13 143:2,3,6 228:7 232:1 236:24 misdemeanor 18:19 Miskawitz 37:11,16,19 39:17 missed 87:7 mode 103:11 mom 17:4,7 93:2 100:16 moment 7:18 145:16 212:2 money 45:13 73:14 90:9 106:5,9 106:17 121:16 122:23 123:6 123:23 125:5 125:8 126:5 126:10,21 127:2,11,14 128:1,23 144:6,9 145:4,8 146:13,17,21 147:2,5 154:14,17,18 Monterey 69:14 75:17,20 89:11,13 month 30:6 40:15 102:22 103:2 months 17:10 39:1 103:8 morning 24:24 100:12 mother 15:22,23 18:11 17:15 29:11 29:14,17 30:12 34:9	34:10 37:3,5 93:1,11,17 93:18 94:1,3 131:2,5 133:12,22 134:19 146:1 147:19 163:23 164:2 194:1,4,12 motion 148:5 191:3 motionless 190:6 mouth 199:16 move 17:9 19:18 200:9 223:3 223:4 moved 15:17 29:21,24 36:14,18,19 37:8,20 93:1 156:1 223:5 moves 20:14 223:4 moving 38:2,3 148:1,1 148:4 151:20 186:14 187:14 200:7 214:23 215:2 multiple 228:2 M-a-t-t-h-e-w 14:10 M-i-c-h-a-e... 16:9 M-i-s-k-a-w... 37:13  N N 3:1 name 14:8 21:22 28:3,5 33:24 33:24 35:24 65:11 66:17 81:15,18 88:2 95:5 97:19 98:13 105:16 137:3 137:7,7 165:24 166:3 220:24 239:6 named 98:5 names 49:9 110:17 nature 8:16,18 9:6 46:7 50:22 54:3,6 80:1 84:7,10 86:10 134:13 173:7 Navy 173:24 near 102:10 nearby 191:11 necessarily 9:14 83:9 165:24 neck 184:20,22 185:15 186:20 187:7 187:9 188:1	192:9 225:2 225:7 need 12:11 13:3 22:21 101:10 124:21,22 125:3,9 166:17 205:15 237:1 238:16 needed 51:1,5 67:17 97:10 103:12 124:21 232:24 neighborhood 96:5 neither 181:24 never 5:20,23 18:6,8 18:11 40:21 50:5 61:17 68:18 72:2 82:2 86:2 121:23 128:17 137:6 141:13 145:10,19 158:11 159:20,20 160:13,18,20 164:5 165:19 177:20 179:19 180:1 197:11,13,15 197:17 215:14 232:10,12,13 nevertheless 155:17 163:18 new 10:17,20 nice 68:15 nigger 144:13 night 31:3,7,20 32:4 82:20 87:15 233:17 Nike 53:11 nine 189:5 190:5,13 190:14 nodding 12:18 nonalcoholic 46:10 54:6 84:9 noon 228:6 normal 187:1 normally 45:10 Normandy 41:10 north 2:4 14:15 15:2 15:8,12,13 15:17,17,20 24:8 41:8,10 41:19 49:22 56:15,19 74:14,16,24 76:6,10,22 76:24 77:3,7 77:19 78:12 78:18,21 85:8 87:8	92:9,21 93:19 94:1 96:6,14 98:12 104:18 105:8,13,17 105:18 106:4 107:6,24 120:17 166:7 176:3 northbound 102:12 104:5 104:12,21 105:3,9 106:3 108:17 109:5 134:23 135:5,10,13 137:1 141:8 151:24 NORTHERN 1:2 Nos 228:23 nose 199:14 notary 1:17 notes 240:10 notice 10:15 174:2 noticed 166:21 171:3 noting 227:24 Notre 27:5,10 Nottingham 14:16 15:2,8 15:12,18 24:8 41:8,11 41:20 49:23 92:21 96:14 November 17:18 21:11 85:1 number 3:11 11:3,9 20:7 23:3,7 33:14,15,18 34:15,18,20 34:24 35:4,6 35:9,12,15 36:6 41:22 41:24 42:1,4 42:5,7 97:19 110:15 138:14 220:24 237:18 238:5 numbers 34:11 41:14 97:22 numerous 13:11  O 240:3,3 oath 22:13 240:6 object 60:6 118:11 128:13 131:16 140:10 181:13 183:6 objection 11:20 30:11 69:13 123:17 131:22 175:10	192:23 196:10 227:18 objective 162:3 observe 71:19 111:23 111:24 120:11 137:14 172:20 173:18,23 181:5 193:17 observed 108:20 109:9 109:15 110:4 110:23 134:2 140:5 142:18 142:20 149:3 172:9,18 174:16 180:24 195:2 obvious 47:8 182:11 obviously 35:6 164:24 181:23 182:5 182:20,24 occasion 50:1 96:22 104:1,14 126:20 127:23 128:4 128:21 157:2 211:12 occasions 13:11 50:12,15 55:13 103:16 119:15 120:7 126:24 occurred 38:14 74:6,23 79:19 96:22 185:3,6 occurrence 9:20 offered 160:23,24 offhand 96:9 office 11:10,23 67:22 68:4,10 71:13 206:20 206:21 209:4 214:24 215:4 223:21 229:4 238:9 officer 1:7,10 2:18,19 5:12,21 6:7 6:10 116:23 116:23 117:1 117:2,10,13 117:13 119:3 119:9 141:21 142:2 163:13 166:23 169:11 172:2 172:21 174:8 174:15 175:8 177:13 178:1 178:15,18 179:3,6,12 180:1,20 181:1 182:12 183:5 184:3 185:6,14 186:19 187:5 187:8,20 189:4,23 191:17 192:3	192:3 193:22 194:17,23 197:2,8 198:9,12 200:15,24 201:14,23 202:15 203:20,21 204:19 205:10 206:3 206:6 207:5 207:16,24 210:1,4,7,16 210:17,24 211:3,15,19 211:22 212:5 212:9 220:8 222:2 231:1 231:4,8,11 231:19 233:14 236:6 236:17 238:16 officers 5:16 6:6 7:1 73:7 115:21 116:2,4 118:24 119:7 119:12,16,19 120:8,8,11 120:14 161:16,20 163:11 181:20 214:1 215:7 217:5 217:21 219:23 220:15,19,23 221:2 222:13 224:2,8 232:12,14 234:12,16,19 234:22 235:20 236:11 238:15 offices 5:2 191:10 199:24 204:2 204:23 205:6 205:23 209:5 211:5 217:4 232:15 234:19,22 235:1,5 Oh 151:4 239:10 Ohio 102:14 okay 4:9 9:11,12 10:1 12:2,18 13:7,8,19 16:22,24 18:4 20:10 21:20 22:12 22:19 23:2,7 23:19 25:5 25:13 26:10 26:15,24 27:5,8,19 29:1 33:9 34:24 35:5,9 35:11 36:23 37:2,4,7,22 38:1,12,16 39:17 41:7 42:7,13 43:14 45:9 45:19,22 47:1,5 48:22 50:1,9 51:21
---	---	--	--	--	--

53:21 54:13	187:13	142:3 181:11	155:14	128:23	45:8,9 75:2
54:19 55:4	188:23 189:4	ordered	163:17	pedestrian	76:21 77:21
55:19 56:22	189:11 190:3	89:19	164:22	104:7	80:9 90:21
57:20 58:15	193:6 194:13	original	175:22	pedestrians	90:22 91:3,4
59:10,13,24	196:16 198:6	11:4 76:11	182:16 190:3	133:17	91:7,10,19
60:3,21,24	200:13,24	92:15	191:7 194:20	pending	91:21 95:18
61:12,17,24	202:9,14,24	originally	199:22	13:5 142:13	97:5,19,22
62:6,10	207:19 208:3	11:4 54:22	204:22	people	98:24 99:12
63:24 64:3	209:20,24	56:6,17,23	213:21	9:15 39:13	99:21 100:19
65:11,18	210:23	107:24 109:6	217:19	97:23 103:6	123:16
67:16 68:19	212:22	originating	218:22 219:7	104:7,8,10	237:18 238:4
69:5 70:20	213:21	229:11	230:21 236:5	114:6,9,15	phones
72:16 74:22	214:10	outlining	236:8	114:18	41:15,15,16
76:13 77:6	215:12,16	178:7	paralegal	116:12,16	99:4,7
78:3,8,15	216:19 217:2	outside	11:22	128:3,21,24	photograph
79:12 80:13	217:7,10,18	74:7 75:9 79:7	paramedic	127:10	229:21
80:17 83:12	219:21	82:2 90:17	235:2,4,8,14	128:11,19,21	photographs
85:10 86:8	221:22	109:7,11,17	235:15,17,18	133:10,14,16	6:8 7:12
88:11,14,24	224:12,15	111:14	parent	133:20 134:3	228:18,19
90:3 91:9,13	225:5,16	113:12 114:4	93:11	143:24	229:2,5
91:21 92:3	228:17 229:9	115:8 117:21	parenthesis	144:21	230:9
92:11,17,20	230:2,9,21	118:2 119:20	145:4,4	155:11	photos
92:24 93:18	231:11,16,19	128:23	parents	160:14 175:3	223:23
94:6 95:6,12	232:2,24	132:21	93:8	183:3,8	phrased
95:19 97:10	233:9,18	135:14	Park	185:8,12	160:16
100:9 101:7	234:6,15	153:22 160:2	87:12 94:8	191:12 193:8	phraseology
101:21 102:7	235:13 237:7	160:11	parking	193:10	60:10
103:1,21	237:16	167:22 214:1	32:9,13 46:1,4	195:10,13	physical
105:2,7,13	old	214:24	46:4,8,12,15	205:2,12	63:21,23 64:1
106:13 110:8	6:12 17:24	overall	47:15,24	208:4,7	106:19
110:14 111:8	18:2 63:20	15:7	48:3 50:19	211:14 212:7	159:11,19
113:22 114:6	64:16 96:11	overnight	51:15,19,23	214:23 215:3	179:6,24
114:9,14	129:22	41:2	52:9,17	220:3	physically
116:14	once	owe	part	period	6:16 70:2
118:23 119:6	10:24 23:14	237:14,14	7:15 20:7,10	8:23	128:2 178:15
120:1 121:20	24:4 30:2,6	O'Hare	112:2 153:2	periodic	178:18
121:24	30:9,20,21	20:2,10,15,17	154:3,6	128:6	179:14
122:21	48:15 49:2	21:4,13	162:15	permanent	192:17
123:13	51:6 53:17		188:21,24	93:24	223:21
124:13 125:9	53:21 54:20		205:20	person	pick
125:24 126:7	55:9 56:10		224:21	13:10 43:4	133:7 142:4,6
126:13,15,19	57:24 68:9		238:18	47:7 61:8,9	picked
126:23 128:9	77:23 78:3		particular	61:10 63:9	142:7 200:16
129:7,23	82:13 93:13		6:6 7:19 49:16	63:11,13	picture
132:8,15,20	94:22 103:19		79:16 87:12	65:12 69:14	229:10,11,24
133:16 135:5	107:23 127:4		89:15 123:9	83:4 88:6	pictures
136:24 137:6	160:13		132:15 191:3	121:5 128:1	223:23
139:22 140:1	187:20		207:2	140:1 149:22	piece
141:6 142:17	193:16 205:1		particularized	165:2 168:12	147:22
144:24	205:5		9:4	168:15,20,23	pissed
145:10,16,17	one's		particularly	168:24 169:7	197:7
145:21	128:24		9:19	169:10,10,14	place
146:15	open		parties	170:6,7,10	4:2,7 32:16
147:13,18	132:18 138:1		4:13 10:15	170:13,23	33:1,6 96:14
148:15	156:11		party	171:1,9	237:3
149:11,16,19	157:21 199:7		9:19 10:1	172:1,9,10	plaintiff
150:8,14,16	208:11		part-time	172:20	1:5 2:7 5:22
151:2,12,18	214:12,14		20:5	173:19 175:5	6:21 8:17
152:3,8	222:18		pass	179:12	11:5 143:13
153:6,12,24	opened		45:19	182:22 183:2	plaintiffs
155:1 156:3	137:21 218:23		passed	196:11	5:10
158:11,14	220:8,12		75:10 122:13	personnel	plaintiff's
159:14,21	223:8		132:20 160:4	75:12 79:20	5:1,3 8:1,10
160:6,8,21	openly		passersby	88:5	8:20 9:10
161:1,4,22	141:24		185:10	persons	plan
162:5,9,12	opens		passing	47:2 121:8	54:10,13,22
162:16 163:6	221:4		133:17,20	139:16 144:1	56:11,17
164:9 165:12	opportunity		134:3	167:8	76:11 92:15
165:20	9:22 11:1		paternal	pertaining	106:20
167:13 168:1	68:22 72:6		36:3	1:16	planned
168:9,12,23	111:3 161:6		pavement	Peterson	54:16 56:6,22
169:13,23	173:18		164:23 175:23	11:11	102:8 146:12
171:5 172:20	opposed		176:19,21	phone	plans
174:4,14,19	64:23		177:23	4:1 33:12,14	26:7,12 29:2
175:16	orally		178:20,21,23	33:15,18,23	100:16
176:12,17	88:19		182:17,19	34:11,15,20	plastic
177:7,22	ordeal		190:10	34:24 35:9	110:2
178:6,11	230:22 233:19		pay	35:12,15	playing
180:6,20	order		90:5,7 95:18	41:17,17,18	31:19
181:4 182:15	6:19 10:3		98:24 99:4,7	41:22,24	please
183:11,15,22	50:18 78:5		99:12	42:1,4,7,10	12:15,21 13:4
185:22	83:16 89:24		payment	42:11,12	13:6,15,22

14:8 30:16	poorly	1:15 192:17,21	25:3 31:23	105:15,17	154:23 175:6
112:15	160:16	192:24 193:4	32:14 43:22	106:4 107:7	recall
142:14 151:1	portion	proceed		107:17,18,20	29:13,19 30:1
pocket	197:1	48:17 104:5	Q	107:21 108:1	30:4 33:11
137:22 138:3,4	position	105:9 143:14	quarter	108:1,6,9	33:20 34:1
point	224:3	143:17	58:20,21 61:16	115:12 131:7	34:13 36:17
46:23 59:4	possible	proceeded	62:15,18	131:13 135:3	37:21 38:5
71:14 77:6	130:2	78:1 92:3	110:9,12	161:24,24	38:11,22
83:6 91:9	pot	proceeding	121:19	164:11,14,24	40:9 43:18
104:23	131:10 135:6	112:6	123:12,13,15	165:13 166:8	43:23 44:18
106:16 123:3	pots	proceedings	124:4,6,14	166:8 167:5	46:20 47:20
125:15,22	129:22,23	240:8,11	124:20 129:3	167:11,18,23	52:14 55:8
139:17 152:9	pounds	process	129:5 154:15	168:24	57:21 58:17
161:5 168:1	136:18	73:23	202:10	172:15 176:3	59:8 63:16
168:7 172:13	power	professional	quarters	176:4,5,10	65:10 72:20
174:11	116:12	7:3	52:22	182:20	83:4 84:5
178:18 180:6	powers	prone	question	194:24 196:5	87:14 90:2,8
201:12	116:7	188:21	12:20 13:5,6	Randolph/Mi...	90:15 91:17
204:16,18	practice	pronunciation	13:12,13,16	209:10	94:14,15,21
212:6 213:24	156:20	16:1	13:18,21,22	range	99:3,8,22
224:8 233:10	praise	proof	13:24 14:2	20:4,11	100:15
235:13	7:5	117:24 118:5	16:20,23	Ranger	101:20
police	preliminary	174:1 181:2	21:1 23:1,12	21:16	102:21 103:7
1:7,10 2:18,19	10:16	property	30:15,17	reach	103:10,23
5:14,16 6:13	preparation	145:3,8 146:12	32:20 42:3	56:10 77:7	104:3,16
6:15 7:1	22:16	146:16,21	42:15 57:13	122:23 167:5	108:16 109:8
24:17 68:8	prepare	provide	57:15 58:9	167:11	110:3,13
69:11,15	238:11	67:22 237:9,19	59:17 60:7	reached	111:2 112:4
73:6 75:15	prepared	41:22	69:21 71:9	53:18 57:3	112:23 113:3
75:16,20	6:4 8:17	provider	73:2 97:4	67:16 73:19	113:5,10,18
76:2 115:14	preseason	11:8 33:21	112:1 118:17	75:2,4 77:15	113:21
115:17,20,23	25:14 28:15	psychological	128:17 129:4	77:23 78:4	114:20,23
116:4,6,7,8	29:11 31:18	6:17 238:3	129:6 131:21	79:6,13	115:4 120:2
116:10,11,15	52:20	public	131:23,24	80:10,18	123:20 127:3
116:18,22,23	presence	1:17 45:20	140:18	93:13 131:12	127:7 130:10
116:24 117:2	8:8 10:1 65:3	97:14 125:6	142:12,14	132:22 141:6	130:13
117:9,13,18	68:24 214:2	190:7	146:18	167:21	132:19 137:5
118:24 119:3	219:9 235:16	Pulaski	160:17 166:9	172:15	145:20
119:9,12,13	present	11:11	170:3 171:23	174:10 176:9	150:13,23
119:24 120:7	2:17 4:13 6:2	pull	176:17	182:13 183:5	153:5 155:3
120:8 161:16	7:7,9,15,21	226:12	181:14	184:3 204:19	159:5,23
161:20	65:7	pulling	182:14 183:6	read	165:17 178:5
163:11	pressure	202:20 226:4	191:20 193:1	8:12 30:16,18	181:9 185:4
166:10,23	226:11	pulls	196:12,14	36:10 69:21	185:8,9
173:6 174:5	pretty	193:6	197:16 209:7	69:22 121:10	188:14 198:7
180:8,11,14	59:11	punch	228:9	131:18	198:24
180:15,16,18	prevent	209:15 211:6	questioning	155:19 165:4	199:10,15,21
180:22 181:7	65:15	211:22 231:5	9:20 118:12	190:7 191:15	203:6 204:15
192:16,21,24	previously	punched	128:14	219:5	206:16,24
193:4 204:2	84:15 151:10	189:19 209:9	9:23 22:12,16	reading	207:4 212:8
204:19	153:6 174:4	209:15,24	22:17,20,23	122:10,11	212:23 213:2
205:22	174:21	210:2,5,7,17	23:5 30:12	ready	213:16,20
206:20 211:5	181:24 209:8	210:24 211:3	87:6 118:13	11:18 104:5	231:22
214:1 215:6	238:22	211:9,17	228:1	real	234:20,23
216:6,12	239:12	punches	quick	9:5 218:24	receive
217:5,16,21	prints	211:14,15	86:23 171:14	219:1 220:10	11:1 52:13
217:23 218:7	228:19	purchasing	225:11	221:10,12,21	76:17,21
218:11,14,14	15:12 20:19	63:5	quicker	222:22,23	77:21 80:9
218:17,18,24	21:22 50:7	pursuant	125:12	222:3,7,10	received
219:1,9,13	50:10,13	1:14 10:15	quickly	223:10,11	7:5 10:19,21
219:17,18,18	55:5,21 57:3	pursued	175:2 225:13	225:11	34:14 68:17
219:23 220:2	58:19 94:10	197:2	quite	realize	68:18 141:22
220:10,11,14	94:17,20	pushed	132:12	171:1	recess
221:2,10,13	101:17	185:15 224:24	quote	realized	236:23
221:17,21,23	102:20 103:8	226:11,24	236:12	106:5,10,17	recharacter...
221:24 222:2	103:17,24	228:13,15	R	123:24	131:17
222:4,7,10	106:23	pushing	race	170:16	recognize
222:12	115:13	63:17	89:8 120:21	209:21	22:10 47:6
223:11,11	119:10,13	put	radio	216:11	117:9,12
224:2,8,16	126:1,4,20	10:16 130:21	197:8	really	recognized
231:20,24	127:2,14,23	130:22 141:1	radioed	5:13 6:4 7:24	195:6
232:4,11,14	128:6 135:1	147:5 179:12	197:3	9:3,21 12:1	reconvene
232:15	135:19	184:10,13	Raelene	39:10 91:17	239:15
234:11,16,18	144:22	187:5 200:2	1:17,23 240:5	96:11 99:3	record
234:19,21,22	171:17 230:3	202:6,12,16	raised	113:23 125:9	10:13,16 14:9
235:1,5,19	231:8,12	211:10	6:15	148:7 155:9	16:24 23:4
236:11	234:7	216:14	ramp	206:16	28:7 30:18
policeman	probably	237:12	20:18 67:19	reask	37:12 69:22
6:13	91:16 189:20	putting	Randolph	16:22 235:24	87:3 96:15
poor	201:3	147:21 193:22		reason	96:18 131:23
32:20 71:9	procedure	p.m		9:24 60:19	141:17,19
112:1 209:7				62:4 94:3	142:15



143:10,11,19	240:15	14:4 19:20	208:15,16,19	route	110:24
143:21	reporting	23:21,23	208:19,19,20	49:16,20 50:5	111:14
188:18	69:16	31:23 36:12	209:2,16,22	50:18,21	135:15 137:1
223:19 228:5	represent	43:14 45:22	210:1,14,21	54:17 106:19	137:9,17
237:13	229:6	49:23 53:17	211:2,8,14	rules	141:13 149:8
records	represented	55:1 56:5,10	212:9,13,18	1:14 12:11	151:24 152:3
11:1 238:3	5:14,15	59:11 61:23	213:6 214:7	228:4	152:5 153:20
rectangular	representing	62:23 63:4	214:17 215:9	ruling	168:12 169:8
150:6,7 152:23	4:20,23 5:17	64:15 65:9	216:4,10	10:2	169:14 170:7
red	request	67:20,21	219:13	run	170:23 171:8
65:5,6	68:12	77:14 78:12	220:14,22	152:11,14,15	172:1,9
reference	requested	80:15 81:11	221:2 222:9	161:10,22,23	173:5 174:22
36:6 138:7,10	30:19 69:23	87:15 88:4	224:1,19	164:10,13	174:23 175:8
138:11	required	89:4,18,20	227:1,9	167:4,5,9,13	175:17,18,20
references	181:11	90:5,16	229:15,21	167:23 168:1	179:24 181:1
194:20	requirements	91:23 92:8	230:5,11,15	169:24 171:7	181:2 204:13
reflect	181:10	95:2,9 96:20	230:16,21	177:20	209:18 217:1
10:13 143:11	requires	99:16 100:19	231:7 232:17	180:13	217:3 222:17
223:19	181:14 228:4	103:4 104:4	234:10 236:4	183:20	232:12 235:9
refused	requisite	106:2,8,16	236:21 237:5	running	saying
230:23 233:20	8:2	113:12	237:10,20	140:6,7 141:11	147:18,22
regarding	reserving	120:16 122:2	238:9 239:19	146:2,8	148:12 159:4
10:18 83:13	10:23	122:7 124:3	rights	149:9 153:18	158:6 216:23
regardless	reside	129:10 130:2	5:4,16	162:11 163:6	224:13
86:18	14:18,20 93:24	130:18 131:8	rip	163:10	says
registered	resided	131:11	226:2,5,9,13	164:14	36:7 145:1
33:23 41:19	15:20,21	132:23 133:4	227:9 229:11	166:16	149:20
regular	resides	134:22 135:1	229:15,18,22	167:16 168:2	153:24
53:14 133:17	36:8,13	135:8,9	230:10,15	168:5,17	155:15
related	respect	136:24 137:9	ripped	170:15	157:13
10:22	4:6 10:24 11:2	137:16	219:3 223:15	171:11,12,21	163:17
relation	12:1 42:17	138:16	223:18	171:24 172:5	176:18
55:17,22	76:3 237:15	141:17 142:2	225:20,23	172:12	178:23
101:22 102:2	responded	142:16	226:6,7	173:11,14,16	182:24 190:4
107:8,17	137:4 236:6,9	143:23	227:3,8,11	174:11 175:4	195:23
115:7,10	responding	155:14,21	227:12,14,14	176:9 179:5	199:22
121:20	13:16	157:13 158:7	227:15,16,17	179:9,11	200:13
122:22	response	161:9,12	228:12,13,14	183:12	204:23 208:3
129:24	12:24 41:24	162:22,24	229:7 231:23	188:11	208:6 211:13
Relatives	42:2 124:14	164:9,13,21	232:19	runs	213:22 215:9
66:22	125:18	165:7 166:3	risk	100:14	218:22
release	129:13	166:6,11	8:3	Ryan	230:21
11:14 238:1,1	responses	167:16,21	rob	21:22 23:8	232:17
released	7:24 8:12	168:5,8,14	154:24 155:18	26:10,22	233:18 238:1
217:15 230:7	12:18	168:17,20	157:15	27:1,23	240:6
relevance	responsible	171:16 172:4	163:19	35:11,17	schedule
30:13	69:15	172:8,12,15	ROBERT	36:20 37:7	101:9,14
remained	rest	172:18 173:9	2:2	37:11,14,16	scheduled
62:8 215:12	13:13 236:23	173:22	rock	37:20 38:1,7	31:22 100:14
remarked	restaurants	174:10 176:8	130:8	38:10,16	school
199:2	203:4	178:15 179:3	room	39:3 42:17	27:3,4,6,11
remember	restraints	179:8,11,20	6:20 122:12,15	42:19 43:21	31:6 37:16
31:19 54:16	213:22 215:10	179:23	132:8 141:24	51:22 52:8	39:22
58:3 90:9	215:11	180:13,24	205:9,24	90:19 91:1	scrapes
203:8 206:19	restroom	181:22 182:4	206:2,5,9,12	91:19,23	183:13
209:11,12	234:7	183:17 184:1	206:15,17,22	92:18	scream
213:17	result	184:8 185:14	207:2,5,10	Ryan's	152:16,19
remind	7:7 10:19	185:18 186:1	211:4 212:3	38:3 39:19	161:1 222:19
12:13	resume	186:4,6,22	213:10,23	91:21	screaming
remodeled	237:2	186:24 187:4	214:1,3,8	R-y-a-n	219:11
203:9	retaliation	187:6,10,21	215:2 238:23	37:14	scrotum
repeat	8:2	187:24	Roosevelt		227:7,17
13:22 30:15	retired	188:15,17,18	95:4	S	230:12
69:20 146:18	5:14	188:19,23,24	Rosen	S	seasonal
189:13 209:6	return	189:6,9,12	2:11 4:4,4,12	3:10	20:22
repeatedly	73:16	189:16 190:1	4:17,19,20	safe	seasonally
186:10 190:5	reverse	190:21	6:23,23 9:8	70:3	20:19
rephrase	54:17	191:17	10:8 11:16	safety	seat
13:23 38:7	review	192:12	142:5,8,11	64:24 69:9	60:8,9,16,18
56:16 62:16	11:1 22:15	193:21	142:15 143:2	70:2,11	60:22 61:1
85:22 97:4	68:23	194:17 195:3	143:16	71:24 72:1	61:12,19
131:16	ride	195:6,9,14	223:20 229:3	sake	62:1,3,7
report	96:2,21 97:6	196:8 198:20	237:3,5,7,12	13:14	75:8 82:14
68:16,20,23	97:10,13,16	201:3 202:5	237:16,21,24	sat	82:18,19
69:3,6	97:20,23	203:2,5,12	239:14	161:7	seated
reported	98:20	203:14,19	roughly	Saved	59:21 62:8
1:23 240:8	ridges	204:16 205:5	219:1 222:14	73:14	122:15
reporter	151:8	205:12,14,17	224:20	saw	seats
4:14 12:14,17	right	205:20,20,21	round	39:23 40:2	53:19,22 57:4
13:9,15	8:6 10:23	206:15,22	150:6	43:6 51:18	second
122:10	11:16,18	207:9,14,22	rounded	51:22 108:23	8:13,15 35:2
131:18 240:6	12:8 13:1,23	208:8,13,14	212:20,21,22		123:7 142:5

166:24 205:7 209:14 seconds 132:23 148:11 153:8 160:9 secretary 4:8,10 section 167:21 security 63:18 64:10 65:2,4,6,14 65:18,21,24 67:2,10,12 68:5,9,10,12 68:24 69:14 69:16 70:4,8 70:10,24 71:15,16,20 71:23 73:5 73:11 74:2 75:12,14,15 75:17,19,20 75:24 76:15 79:20 80:23 88:5,6,9,11 89:5,8,11,15 92:6 116:20 195:7 221:18 see 7:16 11:8 12:14 27:1 27:24 29:6 31:2 51:9,11 51:13 52:5 52:10 58:18 67:8 68:19 72:6 82:17 82:22 94:7 108:16 109:6 111:3,20 113:24 114:6 114:12 134:7 134:8 135:14 149:16 151:5 152:8 162:6 163:11,13,15 164:14 167:19 168:6 169:14 170:6 177:15 188:10 195:18 201:15 214:13,15,20 214:22,23 215:2 217:6 222:18 229:11,13,18 229:19 230:10,13 233:11,16 235:7,9 237:17 seeing 96:2 238:13 seen 7:13 47:2,7 63:11 87:23 89:15 118:23 119:3,6,9,12 119:15 120:4 120:5,7 135:18 146:5 151:2 185:11 220:19 224:3 228:17 232:10 239:4 seized 155:16 self-defense 156:16	sell 128:12 selling 128:5,22 sent 22:13 sentence 149:20 sentences 147:21 separate 205:24 207:10 September 28:19 sequence 184:12 Sergeant 1:9 194:21,22 195:21,23 196:4,17 197:16,18,24 198:13,21 199:1,19 201:24 202:14 203:20 204:18 205:6 206:3,6 207:6,13,20 208:3,6 209:3,9,15 209:24 211:2 211:13,22 212:4 220:12 221:4,7,12 221:23 222:3 222:10,13,20 224:4,15,20 225:6,12 serious 6:24 seriously 7:2 9:16 seriousness 8:15 serrated 150:22,24 service 11:6 34:16 Services 89:12 set 79:12 199:23 200:14 severe 7:13 severely 6:9 Shadur 4:16,19 shaking 111:6 124:10 sharp 178:6 212:19 226:16 shift 24:22 82:6 shining 113:16 shirt 118:4,7 180:21 195:1,4,19 shirts 180:19 shit 147:22 236:10 236:17 shoe 176:22,23 177:1,6,12 177:16,18 184:1 201:11	201:12,13,15 201:18,20 203:1 shoelace 177:8,10 shoes 53:10,14,16 177:2,3 shook 111:9 shops 133:2 Shore 48:21 49:3,6 49:10 51:6 56:12,19 59:15 73:20 73:24 77:7 77:11,15,20 77:24 78:4 79:7,13 80:10 94:8,9 100:13 short 10:9 87:1 113:2 136:6 136:8,16 143:8,12 144:2 145:8 145:10,18 147:10 148:15 155:4 164:7 193:17 203:16 204:10 shorter 136:10,12,14 138:20 139:8 139:11,23 144:8,12 154:9 160:12 167:11 shorthand 240:8,10,15 shoulder 188:1 shoulders 12:18 shout 137:3 172:24 180:1 219:22 shouted 134:11,16 146:3 198:21 shouting 146:7 164:17 198:14 220:4 shoved 233:4,4 shoves 224:24 shoving 63:17 show 86:11 88:5 117:14 193:11 showed 193:9 235:2 showing 9:5 shows 229:10 shrugging 12:18 side 8:14 49:22 83:21 96:6 98:12 104:17 104:18,19,20 105:4 108:13 115:1,3	134:8 166:6 166:7,8 176:3,3,6 185:19 188:17,19,24 188:24 189:1 189:9 199:9 199:11 200:19,21 201:4,23 202:21,23 203:20,21 205:9,14 208:17 210:8 223:4 230:18 230:17 233:2 sides 64:4 sidewalk 113:16 122:8 130:1 signed 11:18 217:8,11 239:8 similar 208:23 simply 8:10,16,19 simultaneous 171:8 simultaneously 205:13 sink 213:8 214:5 sister 15:22 16:6,14 17:1,13 sit 5:11,21 6:20 21:12 130:9 236:18 sitting 6:6 109:1 141:24 238:17 six 11:8 17:10 39:1,2 103:8 size 138:5 skinny 112:21 118:18 136:17,20,20 slap 211:5,23 slapped 211:9,17 sleeping 41:8 sleepover 41:5 sleepovers 40:23 41:1 slightly 105:17 small 213:23 214:3 smell 155:1 smooth 150:22 212:22 Sober 47:12 soda 84:12,13 89:20 softly 191:6,21,23 191:21,22 sold 93:19 94:1 Soldier	48:4,17,19 49:5,11,16 50:9,13,20 51:9 52:10 52:18 53:18 53:23 54:2,5 54:9 57:3,10 57:18 58:7 58:19,22,24 59:5,21 60:17 61:17 62:2 68:1 69:16 70:21 71:24 72:10 73:5,9,17,24 74:3,6,9,11 74:23 75:13 76:2,6,15,18 76:19,24 77:11,19 78:21 79:21 80:24 81:3 83:13 87:11 88:5 89:5,6 89:9,16 90:17 92:6 96:22 97:2,8 98:17 somebody 156:24 238:17 someone's 164:18 somewhat 207:14,17 Sonoma 18:8 84:21 soon 57:23 171:11 sorry 4:9 16:21 19:2 24:2 32:20 36:16 56:16 61:24 62:18 64:8 71:9 73:2 112:1 123:7 160:16 175:24 198:16 225:4 233:4 sort 12:24 35:6 41:2 50:21 53:15 67:16 67:23 68:8 68:16,20 89:1 112:5,9 119:22 130:8 130:11 132:11 133:21 156:23 174:8 178:4 195:7 215:19 sorts 119:17 sound 23:20 194:10 sounds 81:16 south 48:18,20,23 49:10 50:6 51:6,10 56:12 94:8,9 100:13 166:8 167:9 176:3 southbound 55:2 108:5,8 108:12,19 109:12,16 110:5,24 111:15 112:7	114:19,22 124:8 130:6 131:12 133:5 135:2 159:17 163:4 164:10 166:17 167:14,16 southwest 168:3,6 176:9 so-called 71:3 space 166:15 speak 14:6 27:24 29:6 38:19 40:17 43:3 52:11 222:7 speaking 4:10 special 11:14,21 238:10 specialized 181:14,15 specifically 15:1 23:12 131:18 224:12 227:23 specify 126:16 speculate 175:11 183:7 196:11 speculation 175:12 spell 14:8 28:7 37:12 98:6 spelled 16:9 81:16 spoke 28:20 29:10 33:2 40:11 40:14 43:9 75:14 92:18 132:21 spontaneous 6:5 sporting 23:9,13 spot 236:23 sprinting 141:10 square 150:6 212:19 SS 240:2 stab 148:6 151:15 151:19 154:19,22,23 158:9 stabbed 131:2,5 133:11 133:22 134:19 140:23 150:17 163:23 164:2 stabbing 148:5 stadium 64:12,14,17,22 65:15,22 67:9,18 72:9 74:7 75:9 stair 202:6 stairs
---	---	--	---	---	---

Accurate Reporting Company  
Chicago, Illinois (312) 346-4707

170:19 179:2	200:5,9	234:2,17	218:3,3	136:24	89:12 117:15
195:11,23	time	237:7,8	transportation	137:16	117:17,18,22
196:2	10:7 13:3,11	238:14	45:20 50:2	139:18 140:3	118:3,20
things	13:20 19:6	times	97:14 103:11	141:8 151:23	119:16
11:18 45:10	20:7,11 24:7	11:8 27:3	125:6	163:3,10	163:15
73:15 129:20	24:10 26:3	29:23 34:17	trauma	166:16,17	164:15
203:5,9	26:18 29:7,7	38:19 40:17	6:17	167:7,17	167:19 168:6
think	29:10,15	40:19 50:14	traumatized	169:13 170:5	170:10,13,17
4:7 7:10,11,12	32:1,16,18	55:7,11	6:16	170:23 171:5	171:2,4
7:14,14,24	32:19 33:1,6	60:21 70:19	traveled	171:12	173:20,22
8:9 9:24	33:12,15	94:19,24	50:6	172:17,18	181:1
47:5 55:1	38:6,9,21,23	101:19	treated	turning	uniforms
60:10 94:14	39:5,23 40:2	103:21 127:6	11:5	166:13,19	119:20
110:17	40:19 42:18	173:10,12	treaters	TV	Union
116:18	43:3,19,21	186:10 188:5	239:6	47:4	101:6,18,21
121:12 139:7	44:7 46:23	188:7 189:5	treatment	twice	102:1,9,9,17
140:19	47:8,21 52:2	190:6,13,14	10:18,22,24	34:19,22	102:20 103:5
147:20 153:6	52:8,10,16	190:16,19,20	230:23 231:9	two	103:17 104:1
154:23	52:17 54:8,8	228:2 233:21	231:12	5:10 6:5 19:7	unit
180:15	54:9,18	233:24	232:18	21:13 26:5	24:16
182:15 196:8	55:19 57:8,9	today	233:15,19,23	40:19 44:24	United
221:12 226:8	57:14,16,17	5:2 6:22 10:17	234:3,8	45:23 47:18	1:1,15
234:13	58:5,6,7,22	10:20 11:12	238:21,23	47:22 48:3	university
237:22	60:4,16,16	17:24 19:10	239:5	53:18 59:21	19:19
third	60:23 62:1,2	21:12	tree	105:21 121:7	unkempt
35:3,3 140:1	67:9,10	toes	150:4	123:24	165:1 182:21
202:10	68:23 70:9	202:24	trees	135:15	183:1
thought	72:20 74:1,9	toilet	129:20 133:8	139:15	unknown
175:5,9,17,19	74:12 75:1,7	213:6,12,13,14	trickling	141:22	127:17 137:2
threat	75:8,9 78:5	214:4 223:14	209:17	143:24 167:8	137:10 167:8
9:6	76:18,19,22	223:15	tried	174:17	193:18,18
threaten	77:18,19	225:17,18	64:12 151:22	183:18 193:9	194:6 198:18
128:1	79:6,13,16	233:6 236:8	trip	193:11	204:10,12
threatened	80:10,11,18	236:16	177:10	196:18	unprovoked
65:1	80:21,23,24	told	tripped	220:16	165:3 182:22
three	81:3 83:5	88:19 166:14	177:8	231:18	untied
44:24 45:24	85:20 88:7	186:10	true	232:22	177:2,3
47:22 61:16	91:14 92:24	196:19	24:17 29:15	237:20,20	untrue
62:10,14,17	92:24 93:8	221:16	35:7 48:24	types	7:11
145:1,3	95:20 97:3,6	227:23	64:17 65:22	128:11,18	upstairs
175:3,3	98:10 99:9	tone	77:1,4 93:9	typically	206:19 209:10
198:15 204:5	99:15 100:4	129:7	101:23	50:16 94:6	upwards
204:16	100:7 101:10	top	104:24	103:11	227:16
233:12	102:9,19	118:7 184:11	105:11 108:6	T-shirt	use
236:11	105:24 107:9	186:11,13	114:16	53:4	45:20 91:4,18
three-somet...	123:2,4,22	187:17	118:24		99:11 103:12
106:1	124:11 125:2	210:18 227:9	120:24	U	144:21 145:5
threw	125:22 126:8	227:10	121:16	uh-huh	146:17
157:24 159:7	127:21	total	122:16 126:1	12:21 183:7	228:20 234:3
159:18,21	132:20 137:2	125:5	126:5 129:13	uh-uh	234:6,10,15
160:3 162:5	139:19,22	totally	135:3 139:23	12:22	236:4,8,16
162:24	141:4 144:11	157:22	141:4,9	ultimately	utterance
179:16	148:12	touch	145:19	58:7 92:20	145:6
184:15,21,24	151:21	90:19,24 91:24	155:22 156:5	110:16 132:9	utterances
186:7,20	157:18,21,22	122:23	160:13,18	206:9,13	145:2
211:19 219:2	157:24	touched	175:17	unaware	U-1
222:14,20	159:11,14,16	64:8 159:20	201:24	5:9	16:5
223:12,13	159:17 160:1	touching	225:23	unconscious	
224:15 225:2	160:2,4,10	186:2	226:21 231:2	158:23	V
225:14	160:19	traffic	240:9	underneath	225:7
throw	163:21 168:7	43:6 104:7,15	try	53:5 186:22	Valparaiso
161:7 175:8	168:18 170:2	train	12:21 61:20	215:13,20	16:13,15 17:1
177:12 224:4	173:3,3,4	94:8 101:9,11	64:22 67:9	understand	17:5 29:15
throwing	177:5,15	101:13	122:9 146:23	13:21 22:19,24	29:21,24
161:9	179:5,23,24	102:20	trying	23:5 42:13	93:1,3 94:7
thrown	180:10	105:23 124:1	51:3 91:24	50:4 93:8	94:10,13
176:16 177:21	182:12 184:6	124:24 125:1	154:20	145:15	Van
178:1,12,19	185:3 186:5	221:18,19	187:15	154:22	95:3
178:21,22	187:19 188:9	training	226:12	170:22	varied
179:2 191:1	189:8 190:22	156:14,23	tunnel	182:14	93:6
191:24	191:18 192:2	181:15	61:23 62:12,20	184:12	various
Thursday	198:1,2	transcript	67:17	196:14	5:16
87:15	204:13,13	12:22 122:11	turn	understandable	Varney
ticket	205:7 209:14	240:10	105:6,14,20	12:24	39:21,23 40:2
25:24 26:2	209:14	transfer	107:7 108:1	understanding	40:4,7,14,18
33:3	210:23 211:8	4:11 124:23,24	132:5 134:20	122:12 235:19	40:21 41:5
tickets	211:16,20,21	218:20	164:9 167:22	understood	42:2 43:17
25:16 26:5	213:19	Transit	168:1 169:24	14:1 92:8	Varney's
31:2 44:22	222:23	119:2	turned	underwear	230:19
tie	227:24	translate	108:4 131:3	uniform	vary
177:4	228:14 231:2	12:23	134:22		
tight	232:12,14	transport	135:10,12		



30:3,8	78:18,21	way	108:2,13	204:10,12	year
vegetation	87:8,11	18:9,12 26:20	115:1 164:10	woman's	19:18 20:16
129:19	90:18 91:2	45:6 47:1	165:7,9	137:6	21:19 27:16
verbal	104:18,21	53:18,21	166:17,19	women	years
12:16 63:22,23	105:3 106:3	54:14,17	167:4 176:6	135:15 195:12	5:18 6:12,14
63:24 64:7	108:5,8,12	59:17 60:13	westbound	196:1 198:23	7:4 15:9
129:12	108:17,19,22	74:19 76:2	161:24 171:12	199:3 237:20	17:24 18:2
versus	108:24 109:1	84:22 115:24	we'll	237:20	19:7 21:17
4:21 227:16	109:5,12,16	124:1 125:6	10:6 11:18,19	wooden	63:14,20
vest	110:5,24	128:2 153:17	23:2 142:15	149:21,24	64:16
117:24 118:5,6	111:15 114:1	159:15 179:1	143:6	155:15	yell
118:9 174:1	114:15,19,21	182:9 186:13	we're	word	134:14 180:4,7
181:2	121:3,22,23	190:7 202:10	6:10 10:5,20	164:5	180:7
vicinity	122:3 124:4	202:10,11	19:9 141:16	words	yelled
114:7 126:17	129:12,16	218:11 223:4	142:6,8	122:21 130:21	160:13 180:10
135:19	130:6,12	223:12,13	143:4,16,17	130:22	yelling
161:17,20	131:1,11	227:7,13	237:24	147:17 194:2	147:23 153:17
193:19 196:5	133:5,10	ways	238:12,13,20	wore	180:4 198:2
victim	136:1 137:12	74:19	we've	119:19	198:4 220:3
165:1 181:23	137:15 139:4	weapon	5:2 7:13 10:24	work	young
182:5,7,12	152:2,4	155:16 156:24	23:3	20:10,24 21:2	5:6 6:12,22
182:20 183:1	159:17 185:2	157:3	When's	21:3,4,7	237:20
view	194:23	weapons	211:8,16	23:24 24:4	yu
8:14 229:4,10	195:14 197:6	119:22	whereabouts	24:19 25:7	123:7
VISA	201:1,8	wear	39:19	26:6 27:22	
66:16,17 88:23	wall	65:5 118:4	white	29:7 41:15	#
visible	213:22 214:18	180:18	53:4 63:14,20	57:8,16,24	#105
112:6	215:10,10,14	wearing	64:16 89:10	58:6 115:20	1:8
visit	wallet	53:1,4,7,10	140:10	128:19	
39:7,15	45:7,8,9,14	111:21 112:5	147:19 149:4	worked	0
visited	147:2 154:13	113:4 117:10	149:24	20:15,19 23:16	
30:12	want	117:13	152:23 195:1	116:3	08
visualize	7:7,8,9 11:13	120:14 195:1	195:4,18	working	1:6 20:16
114:3	11:17 40:22	195:3 201:12	220:18	21:17 82:11	084-004445
voice	42:13 43:14	wears	who've	145:13	1:24
213:24 216:20	45:4 59:18	117:21,24	6:13 47:2	wouldn't	
voices	71:4 118:12	118:2	wide	30:21,23	1
215:3 217:20	122:9 130:22	website	150:8	wrestling	
vs	131:2,4	50:22	Wilber	186:11,11	3:13 22:5
1:6	133:11,22	week	18:21 19:8,12	187:11 188:3	28:19
V-neck	134:18	27:3 30:2,9,21	window	188:6	1.2
225:13	145:15	38:18 40:12	121:22,24,24	Wright	44:12
	164:21	40:14	122:15 213:4	18:22 19:8,12	1:00
W	170:22 183:8	weekend	214:5,10,13	Wrigley	23:20
wait	183:11	41:2 87:12	214:15,17,20	102:6,10,11,13	1:30
13:15,17 61:23	186:16	week's	216:18 217:3	104:13,22	23:20 57:9,17
74:18,21	205:19	30:20	Winter	105:4,10	10
waiters	218:24 224:1	weigh	20:13	wrist	145:1 149:19
83:1	229:9	58:13	witness	199:24 200:10	152:7 153:7
waiting	wanted	weighed	3:2 10:11 12:4	201:6 233:9	153:24
62:5	69:24 86:9	136:19	30:15,20	write	10:00
waitress	93:14,21	weight	69:24 123:20	68:16 238:4	95:11 238:14
81:15,22,24	146:16 148:6	112:20 136:22	128:18 132:2	writing	11
82:20,22	148:7 167:10	welcome	142:16 143:5	69:6	15:9,10 155:14
83:10	220:1,6,9	118:13	175:14 183:9	written	163:17
waitresses	221:9 223:10	well-establ...	witnessed	12:23 22:12	11:00
83:1	wants	7:20	185:5	42:20 179:1	1:21
walk	238:9	welts	woman	wrongfully	11:30
44:9 49:3 51:1	wash	183:23	104:23 108:10	220:7	216:8,8
56:12,18	230:2	went	109:9 121:6	wrote	110
61:22 76:10	washroom	23:8 24:6 27:5	135:16,18,22	41:23	3:14
76:10 77:10	234:1,4,5,7,11	27:10 34:4	136:5 137:2		12
78:5 102:11	234:15 236:4	62:12 67:2,8	138:18,20,21	X	3:4
105:9 107:18	wasn't	67:21 88:4	138:23 139:2	X	12-pack
107:20 108:1	68:14 71:18	91:8,11 92:1	139:7,9,11	3:1,10	47:16
124:8 125:14	74:11 83:9	92:14 157:20	139:23 141:7		13
132:4 201:9	88:18 129:8	158:17,18	141:14	Y	164:22 175:22
202:2,19	136:18	202:7 218:11	142:19,21	yards	182:16
203:3 206:17	141:11 147:4	229:3,22	144:2,6,13	152:7	14
walked	150:3 174:5	232:10	145:7,10,18	yeah	11:3 20:16
44:5 49:6	178:21	234:17	147:11	5:6 45:15 92:5	23:1,3 44:8
59:15,15	186:14	weren't	148:16	107:10 129:5	190:3
62:11,20	187:14	41:4 71:1	153:10	130:23	14-minute
165:19,20	190:10	99:21 177:7	154:10 155:4	136:19	44:9
191:9 206:21	191:22 201:8	202:16,22	160:12	171:11 180:3	15
walking	214:21 236:2	west	161:15 164:7	184:10	50:14 77:13
43:12 49:11,14	watch	1:19 2:12 56:2	169:18	194:16 209:7	95:11 148:11
64:11 67:19	58:15 59:7	58:13,20	174:24	227:6 230:14	153:8 191:7
72:8 73:23	111:21	76:10 78:5	193:18 194:8	230:18	194:20
76:6,22,24	134:12 147:3	104:19,20	196:9,17	237:21	15th
77:3,7,19	water	105:3 107:10	197:11,13	239:17	1:19 2:12
	64:12 213:19	107:10,13,21	198:18		

151	94:10,17,20	82:10 85:5	24:8 41:8	9:00
120:17	98:11 101:3	85:16,18,23	85:11 92:21	239:23
16	101:10,17,23	86:14,21	96:14	
199:22	102:3,20	87:18,20,23	542-1265	
160	103:9,17,24	89:16 90:11	11:10 238:7	
58:14	106:23	91:9 92:21	547	
17	107:14	93:1 94:4,10	1:19 2:12	
204:22	115:13	94:17,20		
18th	116:12 119:1	98:11 101:3	6	
1:20	119:4,10,13	101:10,17,23	6	
19	120:5 126:1	102:3,20	122:19 150:10	
18:2 93:7	126:4,8,20	103:9,17,24	150:19,20,21	
213:21	127:2,15,23	106:23	6'8	
217:19	128:7 144:22	107:14	136:9	
19-year-old	178:7 203:10	115:13	6-pack	
5:5	208:24	116:12	47:16,17,19	
1985	237:18	118:24 119:4	6:45	
17:22 85:1,17	2008	119:10,13	52:4	
1987	17:11 34:18,17	120:5 126:1	60601	
17:20	34:22 35:1	126:4,8,20	2:5	
	40:1	127:2,15,23	60661	
2	2009	128:6 144:22	2:13	
2	1:20 15:10	148:22 178:7	6119	
3:14 15:9	239:22	203:10	15:13,17,20	
110:15,20	21	208:24	84:21 85:8	
121:2 138:14	17:24 85:17,20	30-something	93:19 94:1	
139:14	85:23,24	6:14	629-1400	
229:12	86:9,14	300	2:6	
2.25	230:21	136:18		
124:23	215	31	7	
2:00	87:3	28:19,23,24	7	
25:2,3	22	312	23:7 36:6	
2:30	3:13 236:8	2:8,14	239:22	
24:11 26:4	222	3131	7-Eleven	
43:20	2:4	1:6	108:22	
2:45	228	322-7064	7-11	
57:23	3:15,16	2:14	108:24 109:7	
20	23	35	109:11,17	
20:9,11 90:14	236:5	6:11 20:13	111:14	
148:11	25	83:14,20	113:12,16	
218:22 232:1	5:18	64:16 112:17	114:4,24	
200	27	136:6 160:5	115:6,11	
2:4	17:18 85:1	160:9	120:16	
2006	29		128:15	
27:8,14,20	26:15 33:4	4	129:18,24	
2007	41:7	4	130:3 132:21	
14:23 15:1,4		3:16 150:9,9	133:1,2	
16:11,17	3	162:13	135:20 140:6	
17:2 18:2	3	213:21	149:15	
19:10 21:23	3:15 144:24	228:23	153:22	
23:9 24:5,20	149:20 150:9	40	154:16	
26:4,7,15,21	164:22	6:12 19:1,3	7:00	
27:1,23	182:16	20:5,6,12	31:24 52:4	
28:12,15,18	204:23	75:11,11	7:30	
28:21,24	228:23	112:17 136:6	31:23,24	
29:3,17,20	3:00	148:22 228:7	7:45	
31:10 32:3	57:23	45	79:10	
32:14 33:4	30	48:1	773	
33:19 34:12	6:11 15:1,4		42:1,4	
34:17,21,22	16:11,17	5	777-2179	
35:7,12,15	17:2 18:2	5	42:1,4	
35:18 36:24	19:10 21:23	152:7 168:16	8	
37:5 38:13	23:9 24:5,19	170:8	8	
38:17,20	26:4,6,21	5'11	122:5	
40:5,8 41:5	27:22 28:12	57:12 58:10	8:00	
41:7,16 42:8	28:15,18,21	5'3	79:10	
43:15 44:1	29:3,12 32:2	136:9 139:8	8:15	
47:3 49:17	32:14 33:19	5'7	76:8	
50:2,7,10,13	34:17 35:18	112:19	8:30	
53:1 55:5,21	38:13,17,20	5'9	76:8 77:16,17	
56:3 58:12	40:5,8 41:5	148:22	79:5	
58:16 61:19	41:16 43:15	5:00	8:45	
72:24 78:16	43:24 47:3	25:2,3 32:4,14	77:16	
80:13 82:6	49:17 50:2,7	43:22 228:1	847	
82:10 85:5	50:10,13	228:3,4	11:10 238:7	
85:16,18,23	53:1 55:5,21	237:5,6		
86:15,21	56:3 58:12	50		
87:18,21,23	58:15 61:19	99:7	9	
89:16 90:11	63:14 72:24	5040	121:2 139:14	
91:10 92:22	75:11 78:16	14:15 15:2,8		
93:1,7 94:4	80:13 82:8	15:12,17		



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION

**MATTHEW GRANBERG,**

Plaintiff,

**V.**

**METRA POLICE OFFICER DION KIMBLE,  
STAR #105, SERGEANT ALFRED COLLINS,  
and POLICE OFFICER LARRY GEANES,**

**Defendants.**

## JURY TRIAL DEMANDED

08 CV 3131

JUDGE SHADUR

MAGISTRATE JUDGE KEYS

**NOTICE OF FILING**

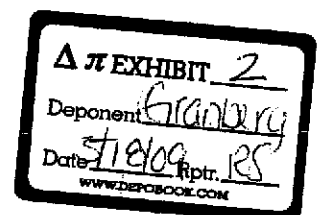
To: Sue Ann Rosen  
Jennifer Mayhew  
Senior Litigation Counsel  
METRA LAW DEPARTMENT  
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Chicago, IL 60661

PLEASE TAKE NOTICE that on August 27, 2008 I filed with Clerk of the Court PLAINTIFF'S FIRST AMENDED COMPLAINT a copy of which is attached hereto and hereby served upon you.

## CERTIFICATE OF SERVICE

I, Phillip J. Oliver , an attorney, hereby certify that I have caused true and correct copies of the above and foregoing PLAINTIFF'S FIRST AMENDED COMPLAINT, to be filed electronically and sent, via the United States Postal Service delivery this the 27th day of August, 2008, to the parties listed above.

/s/ Phillip J. Oliver



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION

MATTHEW GRANBERG,	)	
	)	
Plaintiff,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	08 CV 3131
	)	JUDGE SHADUR
METRA POLICE OFFICER DION KIMBLE,	)	MAGISTRATE JUDGE KEYS
STAR #105, SERGEANT ALFRED COLLINS,	)	
and POLICE OFFICER LARRY GEANES,	)	
	)	
Defendants.	)	

**PLAINTIFF'S FIRST AMENDED COMPLAINT**

NOW COMES the plaintiff MATTHEW GRANBERG, by and through his attorneys, THE LAW OFFICE OF ROBERT D. KUZAS, and for his complaint against defendants METRA POLICE OFFICERS DION KIMBLE, LARRY GEANES and SERGEANT ALFRED COLLINS states as follows:

**INTRODUCTION**

1. This is a civil action seeking damages against the defendants for committing acts under color of law and depriving the plaintiff of rights secured by the Constitution and laws of the United States.

**PARTIES**

2. Plaintiff MATTHEW GRANBERG (MATTHEW) is a resident of Cook County, Illinois. MATTHEW is an American citizen of European (white) ethnic ancestry.

3. METRA is a municipal corporation, duly created and established by and under the laws of the State of Illinois pursuant to the "Regional Transportation Authority Act" (70 ILCS 3615/1.01, *et seq.*) as the "commuter rail division" with statutory authority to hire and employ sworn and certified peace officers such as the defendants; and was at all relevant times the employer of defendants KIMBLE, GEANES and COLLINS.

4. Defendant METRA POLICE OFFICER DION KIMBLE, ("KIMBLE"), METRA POLICE OFFICER LARRY GEANES ("GEANES") and METRA POLICE OFFICER SERGEANT ALFRED COLLINS ("COLLINS") were, at the time of the events alleged herein, duly sworn and certified peace officers in the state of Illinois who were employed as "police officers" by METRA.

5. They engaged in the conduct complained of while on duty in the course and scope of their employment and under color of law. They are sued in their individual capacities. KIMBLE, GEANES and COLLINS are persons of African-American (black) ethnic ancestry.

#### JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over the Plaintiff's federal claims pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 1331 and 1343(a). This Court has personal jurisdiction over the individual Defendants as each of them are residents of Illinois and all actions complained herein occurred in Chicago, Illinois. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

7. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b). Defendants are residents of Cook County, Illinois and a substantial part of the events which give rise to Plaintiff's claims occurred in Cook County, Illinois.

#### FACTS COMMON TO ALL COUNTS

8. On the evening of August 30, 2007 MATTHEW was a pedestrian on the public way returning home from a sporting event and was in the vicinity of 151 N. Michigan Avenue in the city of Chicago, Cook County, Illinois.

9. While he was walking on the street, MATTHEW was accosted and confronted by a "homeless person" who was later identified as Deborah Coleman, an African-American woman of indeterminate adult middle age. Coleman was also accompanied by two other homeless persons when she confronted MATTHEW.

10. All three attacked MATTHEW and expressed statements and utterances implying that all three intended to take property (including money) from MATTHEW by the use of force. During this attack one of the attackers was armed with a wooden stick with which the attacker (a male person) attempted to strike MATTHEW.

11. After being assaulted with the wooden stick, MATTHEW seized the weapon and defended himself. Nevertheless, Deborah Coleman stood her ground and continued to attempt to harm and rob MATTHEW.

12. MATTHEW threw the stick at Coleman to ward off the attack of Deborah Coleman and then ran from his assailants to prevent further violence to himself.

13. Despite the fact that MATTHEW, who had fallen to the pavement at Garland Court and Randolph St., was obviously the victim of an attack by an unkempt and disheveled "homeless person," defendant KIMBLE initiated an unprovoked attack upon MATTHEW.

14. Without asking any questions or announcing his office, KIMBLE struck MATTHEW with an expandable metal baton repeatedly (9 or 10 times) while MATTHEW lay motionless and defenseless on the pavement of the public way.

15. KIMBLE then handcuffed MATTHEW, dragged him to his feet in a painful and humiliating manner and walked him towards the METRA offices, approaching defendant COLLINS who was 'nearby. COLLINS stated to MATTHEW "So, you like hitting black people" and then immediately struck MATTHEW in the face with his hand.

16. Both KIMBLE and COLLINS then dragged MATTHEW down a set of stairs to METRA offices, causing MATTHEW'S wrists to be injured.

17. In the METRA offices KIMBLE and COLLINS were joined by defendant GEANES. COLLINS once again stated to MATTHEW "So you like hitting black people" and struck MATTHEW in the face.

18. Following the action by COLLINS, KIMBLE then immediately struck MATTHEW in the face with his hand.

19. MATTHEW was handcuffed to wall restraints in a small concrete room for several hours. At one point MATTHEW heard the voices of Chicago Police Officers outside his detention room and kicked the door to alert them to his presence.

20. The door was opened by COLLINS: MATTHEW stated "I want to talk to the real police": COLLINS stated "I am the real police" and grabbed MATTHEW roughly and then threw him to the concrete floor, injuring MATTHEW and causing MATTHEW'S pants to be ripped apart.

21. During his ordeal MATTHEW asked for medical treatment and all of the defendants refused to assist him with the injuries they caused.

22. MATTHEW asked the defendants to use a toilet facility and the defendants responded by stating "You ain't using shit".

23. MATTHEW asked the defendants to loosen the handcuffs which were affixed in a manner that was painful and injurious: GEANES responded by stating "We ain't trusting you white boy."

25. After arresting MATTHEW and holding him in a temporary facility at Randolph Street and Michigan Avenue for a period of five hours, the defendants then took MATTHEW to the Chicago Police Department arrest facility at 1800 S. State St.

26. At 1800 South State St. the defendants caused MATTHEW to be charged with misdemeanor criminal offenses and thereafter released on bond.

27. All of the charges that the defendants caused to be placed against MATTHEW were dismissed with prejudice on October 19, 2007.

28. After his release from custody early in the morning of August 31, 2007 MATTHEW was treated for his injuries at Swedish Covenant Hospital in Chicago, Illinois.



29. As a result of the actions of the defendants, and each of them, MATTHEW suffered physical injuries; was forced to spend money for medical care and treatment; was forced to spend money to retain counsel to defend himself against false and fabricated criminal charges; and suffered severe and extreme emotional distress.

COUNT I

(42 U.S.C. §1983, Excessive Force Claim)

30. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

31. While MATTHEW lay motionless and defenseless on the pavement of the public way KIMBLE initiated an unprovoked attack upon MATTHEW by striking him with an expandable metal baton repeatedly (9 or 10 times). KIMBLE then handcuffed MATTHEW dragged him to his feet in a painful and humiliating manner. Both KIMBLE and COLLINS then dragged MATTHEW down a set of stairs to METRA offices, causing MATTHEW'S wrists to be bruised and injured. COLLINS and KIMBLE then struck MATTHEW in the face with their hands.

32. MATTHEW was then handcuffed to wall restraints in a small concrete room for several hours. COLLINS entered the room, grabbed MATTHEW roughly and then threw him to the concrete floor. Further, during his ordeal MATTHEW asked for medical treatment and the use of bathroom facilities; the defendants refused to assist him with the injuries they caused.

33. The defendants' actions violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT II

(42 U.S.C. §1983, Unreasonable Seizure Claim)

34. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

35. After the plaintiff was struck by KIMBLE with an expandable metal baton and placed in handcuffs he was not free to leave and was sized within the meaning of the fourth Amendment.

36. Defendants did not have an arrest warrant, probable cause, reasonable suspicion, consent, or any other lawful basis to seize the plaintiff and therefore violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of and unreasonable and excessive force.

37. The defendants' actions were without any legal justification or probable cause and were motivated by the color of the plaintiff's skin and the nature of his ethnicity and therefore violated plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the use of excessive and unreasonable force.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT III

(42 U.S.C. §1983, Equal Protection Claim)

38. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

39. Based on the conduct of the defendants the plaintiff was deprived of his right to Equal Protection under the law as provided in the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT III

(42 U.S.C. §1983, Due Process Claim)

40. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

41. Based on the conduct of the defendants the plaintiff was deprived of Due Process under the law as provided in the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT IV

(State Law - False Imprisonment Claim)

42. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

43. Defendants did not have an arrest warrant, probable cause, or any other lawful basis to seize, arrest, and imprison the plaintiff, and thereby violating Plaintiff's right to be free from unlawful imprisonment

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT V

(State Law - False Imprisonment Claim)

44. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

45. Plaintiff was subject to judicial proceedings without probable cause.

46. Defendants instituted and continued the proceedings falsely, willfully/intentionally, and maliciously.

47. The proceedings were terminated in the Plaintiffs favor and terminated in a manner which indicates actual innocence as the Defendants did not appear and testify in the Circuit Court of Cook County and the Plaintiff's case was dismissed.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT VI

(State Law – Intentional Inflection of Emotional Distress)

48. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

49. The above conduct of the individual Defendants in using excessive force, falsely arresting, terrorizing, and causing the plaintiff to be imprisoned and prosecuted was without cause or justification, was intentional and/or was committed with willful and wanton disregard for his safety and rights. Said actions by the defendants were outrageous and caused the plaintiff to suffer great pain and emotional distress.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

COUNT VII

(State Law – Assault and Battery)

50. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

51. The defendants acted intentionally/willfully and wantonly in striking and beating MATTHEW for the purpose of causing injuries and pain to him.

52. The plaintiff did not consent to the beating at the hands of the defendants and the defendants were not defending themselves from the handcuffed and restrained plaintiff when they beat him.

53. The actions of the defendants were the direct and proximate cause of the plaintiff's injuries and emotional suffering as set forth herein.

WHEREFORE, plaintiff requests that this Honorable Court enter judgment in his favor and against the defendants and that he be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other relief as this Court deems just and equitable.

JURY DEMAND

Plaintiff demands trial by jury on all counts

DATED: August 27, 2008

Respectfully submitted,

/s/ Phillip J. Oliver

/s/ Joseph T. FitzSimmons

Joseph T. FitzSimmons  
Phillip J. Oliver, LL.M.  
THE LAW OFFICE OF ROBERT D. KUZAS, LTD.  
222 North LaSalle St., Suite 200  
Chicago IL 60601  
312. 629. 1400

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MATTHEW GRANBERG

Plaintiff,

v.

METRA POLICE OFFICER DION KIMBLE,  
STAR #105, SERGEANT ALFRED COLLINS,  
and POLICE OFFICER LARRY GEANES,

Defendants.

JURY TRIAL DEMANDED

08 CV 3131

JUDGE SHADUR

MAGISTRATE JUDGE KEYS

**PLAINTIFF'S ANSWERS TO INTERROGATORIES**

NOW COMES the Plaintiff MATTHEW GRANBERG, by and through his attorneys, Phillip J. Oliver and Joseph T. FitzSimmons, answering the following interrogatories under oath as follows:

1. State the Plaintiff's full name including middle name, current address, date of birth, driver's license number and issuing State, marital status, social security number, and all telephone numbers used by Plaintiff in the last 5 years, including cellular phone numbers with the identity of phone service provider(s) for each number,

**ANSWER:**

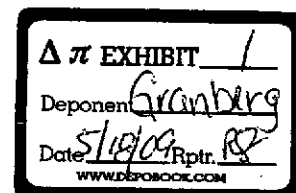
MATTHEW MICHAEL GRANBERG: 5040 N. Nottingham, Chicago IL 60656  
27 November 1987; G651-5538-7337 issued by the state of Illinois; 320-80-0182;  
unmarried; 773-899-1113 (Verizon cellular service).

2. State any and all addresses where Plaintiff has lived or resided from 2002 to the present, the dates Plaintiff resided at the addresses, and provide the full name, address and telephone number for all persons who resided with Plaintiff at said addresses on each date, and the place(s) where the Plaintiff was residing on in August and September 2007.

**ANSWER:**

5040 N. Nottingham, Chicago IL 60656; Plaintiff resides there with his father, Michael Granberg and his dog, Lexo. Plaintiff resided at 5040 N. Nottingham in August/September of 2007.

Previous address: 6119 N. Mason St., Chicago, IL 60646. Plaintiff resided there with his mother, Jacqueline Lecas Granberg and his sister, Michaelene Granberg



3. State the full name, address and telephone number of each person who witnessed, participated in or claims to have witnessed or participated in any event alleged in the Complaint, or who is likely to have discoverable information relevant to the facts of the Complaint, identifying the subjects of the information.

**ANSWER:**

Defendants METRA Police Officer Dion Kimble – METRA Police supervisor Alfred Collins – METRA Police Officer Larry Geanes. Deborah Coleman. Two (2) unknown homeless persons (one male and one female) who were with Coleman when they attacked and assaulted the Plaintiff on August 30, 2007. All of the other persons and/or police officers of the Chicago Police Department who are identified and listed on the Plaintiff's Rule 26 Disclosure, hereinbefore filed on August 12, 2008.

4. State the full name, address, and telephone number of each person not named in Interrogatory No. 2 above, who was present at the scene, including the Metra officers, immediately before, at the time of, or immediately after the occurrence alleged in the Complaint.

**ANSWER:**

Defendants METRA Police Officer Dion Kimble – METRA Police supervisor Alfred Collins – METRA Police Officer Larry Geanes. Deborah Coleman. Two (2) unknown homeless persons (one male and one female) who were with Coleman when they attacked and assaulted the Plaintiff on August 30, 2007. All of the other persons and/or police officers of the Chicago Police Department who are identified and listed on the Plaintiff's Rule 26 Disclosure, hereinbefore filed on August 12, 2008.

5. State the full name, phone number, and address of each of Plaintiff's parents including any step-parents, grandparents, and sibling(s) and step-sibling(s), and identify those family members who saw Plaintiff within the 2 weeks prior and 2 weeks subsequent to the occurrence.

**ANSWER:**

Father: MICHAEL GRANBERG, 5040 N. Nottingham St., Chicago, IL 60656 (773) 774-3596.

Mother: JACQUELINE LECAS GRANBERG, Dunwoody Street, Valparaiso, Indiana (219. 707. 5474).

Sister: MICHAELNE REBECCA GRANBERG Dunwoody Street, Valparaiso, Indiana (219. 707. 5474).

Mr. and Mrs. Granberg observed their son within the 2 weeks prior to and 2 weeks subsequent to the event.



6. Identify the sporting event Plaintiff attended, as referenced in Paragraph of the Complaint, and with respect to the sporting event, state the time the event started, at the time the event ended and/or was scheduled to tend, the location of the event, when Plaintiff arrived at the event, when Plaintiff left the event, the mode of transportation Plaintiff used to arrive at the event and the mode of transportation Plaintiff used to leave the event.

**ANSWER:**

The Plaintiff attended a Chicago Bears pre-season football game at the Soldier Field stadium in Chicago, IL. It is believed that the game started at approximately 7:00 p.m. There was no specific "scheduled" end of that sporting event. Mr. Granberg arrived at the stadium location at about 6:15 p.m. after using the "blue line" public transportation system of the CTA to travel to the sports venue. Mr. Granberg left the venue at about 8:00 p.m. and traveled from the venue on foot.

7. State the name, address, and telephone number of each person who was with Plaintiff at the aforesaid sporting event, and with respect to each person, state when that person left the event and identify those persons, if any, who left the event with Plaintiff.

**ANSWER:**

Mr. Granberg was accompanied to the sporting event by Ryan Ames (Chicago, IL) who left the event without the plaintiff. Mr. Granberg does not know when Mr. Ames left the event. Mr. Granberg believes that Mr. Ames now resides in Tennessee with his immediate family.

8. Identify and provide the address of Plaintiff's intended destination once he left the sporting event, if different, Plaintiff's intended destination just prior to the occurrence, Plaintiff's whereabouts after Plaintiff left the sporting event up to the time of the occurrence, including any and all businesses, residences, and public locations where Plaintiff stopped before arriving at 151 North Michigan Avenue, and provide the names and addresses of all persons who were with Plaintiff during this time.

**ANSWER:**

Mr. Granberg left the sports venue and walked toward the CTA blue line rapid transit stop. His intended destination was his home at 5040 N. Nottingham St., in Chicago. He stopped for something to eat at a now closed "Bennigan's Restaurant" on Michigan Ave. He was not accompanied by any other person.

9. State the name and address of all schools, including high school(s), preparatory school(s), college(s) and vocational schools, attended by Plaintiff from 2000 to present, and for each school state the year(s) of attendance, any major or minor declared or intended to be declared, the date(s) of graduation (if applicable), and identify any degrees, diplomas, and/or certificates Plaintiff received.

**ANSWER:**

High School: 2002/2006 at Notre Dame High School in Niles, Illinois. Wright College in Chicago, IL, from 2008 to current. Mr. Granberg took one class at Triton College in River Grove, IL in the spring of 2008.

10. Identify any and all aliases, nicknames, or other names Plaintiff used or by which Plaintiff has been known since 2002 to the present, and for each, identify the names, addresses and telephone numbers of all persons who use these names to refer to and/or address Plaintiff.

**ANSWER:**

None.

11. State with specificity what Sergeant A and Officer B each did and or said to Plaintiff on the night of the occurrence.

**ANSWER:**

The plaintiff objects to Interrogatory number 11 in that the defendants are currently identified by their individual names; the interrogatory is overly broad, vague and more appropriately suited for oral discovery in the formal setting of Plaintiff's deposition testimony.

12. Identify any and all email addresses, user names, internet service providers internet blogs, chat rooms, or online information sharing sites such as Facebook and My Space utilized by Plaintiff from 2002 to present.

**ANSWER:**

Matthewgranberg10@yahoo.com

13. Describe in general the injuries sustained by Plaintiff, including emotional injuries, as a result of said occurrence, and with regard to said injuries, please state:

(a) The body part or parts that were injured;  
Bruises about the lower extremities and the torso – soft tissue injuries, including the wrists and ankles – pain to the abdominal organs that lasted for days

- (b) Whether that body part or parts had ever been injured before the occurrence;

None of these body parts had been injured prior to this incident in any significant or memorable way.

- (c) The name and addresses of each attending physician, mental health provider, hospital or clinic rendering service to Plaintiff; the date or inclusive dates on which each rendered Plaintiff services; and the amount of their respective bills;

The plaintiff was treated by the medical staff of the Swedish Covenant Hospital beginning on August 31, 2007. Investigation continues.

- (d) The name and address of each consulting physician; the date or inclusive dates on which each rendered Plaintiff service; and the amounts of their respective bills;

Investigation continues.

- (e) The name and address of each person or laboratory taking and x-ray of Plaintiff; the date or dates upon which x-rays were taken; and the amounts of their bills;

Investigation continues.

**ANSWER:**

The Plaintiff suffered the various injuries specified hereinabove. The Plaintiff has also suffered anxiety as a result of the conduct of sworn police representatives that was essentially criminal in nature and which singled him out by reason of his race and ethnicity. Further explanation of these items of special damage is more suited to oral discovery in the setting of a formal discovery deposition.

14. For ten (10) years prior to service of these interrogatories, and up to and including the date of trial, provide the name, address and telephone number of each medical and mental health provider, including any medical/mental health facility, who rendered any care to Plaintiff, and for each, identify the date or inclusive dates of said services, the reason for Plaintiff's treatment, consultation, or convalescence.

**ANSWER:**

The Plaintiff has not been treated by any mental health service provider or facility.

15. As relevant to the instant complaint, were photographs taken of Plaintiff, Plaintiff's alleged injuries, Plaintiff's damaged clothing or anything relevant to the instant complaint? If so, state the date and time on which each photograph was taken, its subject, who took the photograph(s), the location where the photographs were taken, who was present for the photographs, the type and/or model camera used, and who owned the camera.

ANSWER:

Yes. All photographs of the Plaintiff's injuries have been tendered to the Defendants for examination and copying.

16. Did Plaintiff consume alcohol within 24 hours prior to the alleged incident? If so, state what alcohol was consumed, when such alcohol was consumed, where it was consumed, who provided it, and how much alcohol was consumed.

ANSWER:

Yes. Mr. Granberg consumed 2 or 3 cans of Miller Lite beer prior to traveling to the sports venue in the afternoon of August 30, 2007. Mr. Granberg had nothing further to drink (of an alcoholic nature) after those cans of beer.

17. Did Plaintiff consume or ingest any medications or drugs during the 24 hours prior to the alleged incident? If so, please identify what medication(s) and/or drug(s) were consumed, where or by whom such medication(s) and/or drug(s) were obtained, and the quantity of medication(s) and/or drug(s) consumed.

ANSWER:

No.

18. List each and every bill expense or loss (including wage loss and medical bills) which Plaintiff claims he incurred as a result of the instant occurrence and for each state the date it was incurred, the nature of the bill expense or loss, the person or entity with whom this loss, expense or bill was incurred; all disability, medical or other insurance payments received relative to each; and, identify any and all insurance carriers making payments on Plaintiff's behalf setting forth the group number and identification number for Plaintiff for all policies of insurance under which he was covered at the time.

ANSWER:

Mr. Granberg is presently (through his attorneys) gathering all of the documentation of his losses (including medical bills, wage loss confirmation, etc.) and will tender such documentation to the Defendants once it has been produced. Plaintiff's investigation continues.

19. Does Plaintiff have any statements or writings concerning communications from any witness other than the Plaintiff? If so, give the name and address of each such witness, the date of said statement and state whether the statement was written or oral.

ANSWER:

No.

20. State the name and address of the Plaintiff's regular treating physician, commonly known as a "family doctor", for the period of ten (10) years prior to the occurrences alleged in the Complaint through and including the present date.

**ANSWER:**

Richard Hayes, M.D. 4801 W. Peterson Ave., Suite 600 Chicago IL 60646  
773. 777. 0078

21. List the date of each citation, ticket, arrest, conviction, school suspension or school expulsion relative to the Plaintiff, and explain the basis for each.

**ANSWER:**

None, other than the wrongful arrest and malicious prosecution instituted by the defendants that is the subject of this litigation.

22. Provide the name, address and telephone number of each employer of Plaintiff since 2002 to the present.

**ANSWER:**

Cut Rate Toys, 5615 W. Devon Ave., Chicago IL  
Edgebrook Golf Course;  
Billy Caldwell Golf Course;  
U.P.S. (Northbrook, IL);  
A.S.I.G. (Old Cargo Road, OHare Airport, Chicago, IL 773-686-7001).

23. Identify the name, address, phone number, star number of each Chicago Police Officer who was involved or present at any time between Plaintiff's arrest by Officer Kimble to the time Plaintiff was released from police custody on August 31, 2007.

**ANSWER:**

The Plaintiff believes that the on-duty "Watch Commander" at the Chicago Police Department's First District lockup facility was Lieutenant Kim Toy Huh. All others are unknown to the plaintiff at this time. Investigation continues.

24. Identify each and every conversation Plaintiff had with a Chicago Police Officer regarding the occurrence, and for each conversation provide the date of the conversation, the name and star number of the police officer, and what was said by whom.

ANSWER:

The Plaintiff is unable to answer this interrogatory in the form in which it is posed. Please contact the Plaintiff's attorneys to discuss the information requested in this interrogatory.

25. Identify all other persons who Plaintiff was with on the day of the incident, and include each person's name, address and telephone number.

ANSWER:

The Plaintiff worked during the day at the Edgebrook Golf Course from 5:30 a.m. to 1:00 p.m. During his work day Mr. Granberg interacted with various other employees and members of the general golfing public. He cannot specifically recall who those parties were. Thereafter, he spent time in the company of Mr. Ames (see the Answer to Interrogatory 7, above).

VERIFICATION

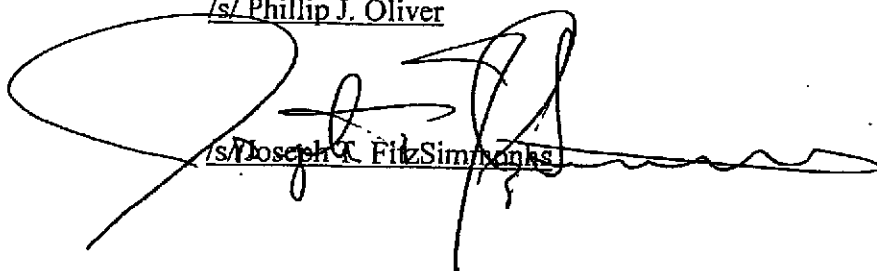
The Plaintiff MATTHEW GRANBERG, pursuant to 28 U.S.C. §1746, hereby verifies under penalty of perjury that the above and foregoing Answers to Interrogatories are complete, true and correct to the best of his belief.

  
/ss/ MATTHEW GRANBERG

DATED: October 17, 2008

Respectfully submitted,

/s/ Phillip J. Oliver

  
/s/ Joseph T. FitzSimmons

Joseph T. FitzSimmons  
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